

DES MOINES CITY COUNCIL MEETING
City Hall, Council Chambers
400 Robert D. Ray Dr.
Des Moines, Iowa 50309

October 6, 2014
4:30 PM

I. CLOSED SESSION – 3:00 PM

- (A) Roll Call.
- (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, and Section 20.17(3) to discuss collective bargaining strategy.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

* * * * *

PROCLAMATIONS – 4:15 PM

White Cane Safety Day

Fire Prevention Week

INVOCATION: Council Member Mahaffey

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 24:

***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)	OASIS	630 SW 9TH ST	E Liquor
(B)	OASIS	1401 BUCHANAN ST	E Liquor
(C)	SHOWROOM	4100 MERLE HAY RD	C Liquor
(D)	TONIC ON COURT	210 COURT AVE	C Liquor
(E)	VILLAGE BEAN COFFEE CO	305 E 5TH STREET	C Beer/Wine

RENEWAL APPLICATIONS

(F)	ARAMARK @ NATIONWIDE	1100 LOCUST ST	C Liquor
(G)	BEST FOOD MART	4028 E 14TH ST	C Beer
(H)	CASEYS #2921	3725 BEAVER AVE	C Beer
(I)	CASEYS #2922	3501 E 14TH ST	B Beer
(J)	DRAKE DINER	1111 25TH ST	C Liquor
(K)	FAMILY PANTRY	4538 LOWER BEAVER	E Liquor
(L)	FIREHOUSE LOUNGE *(1)	1930 SE 6TH ST	C Liquor
(M)	G T RACE CAR BAR	3013 INGERSOLL	C Liquor
(N)	GOODSONS	2815 BEAVER AVE	C Liquor
(O)	KARTARS MINI MART	3761 E UNIVERSITY	C Beer
(P)	LA FAVORITA	1700 E GRAND AVE	C Beer
(Q)	ZIMMS	3124 INGERSOLL	C Liquor

OUTDOOR SERVICE APPLICATIONS

(R)	SHORTYS	208 COURT AVE	C Liquor
----------------	--------------------	--------------------------	---------------------

~~Permanent.~~

SPECIAL EVENTS APPLICATIONS

- (S) DES MOINES EMBASSY 519 PARK ST Five (5) Day License
Class C Liquor License for Homes of Oakridge/Jazz, Jewels and Jeans event on
October 10, 2014. Pending approval of Fire Department.
- (T) OCCASIONS MADE RIGHT 4025 TONAWANDA DR Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Young Professionals event on
October 9, 2014. Pending approval of Electrical and Fire Departments.

4-I [Consideration](#) of Class C Liquor License for Taste to Go at 2400 George Flagg Parkway for a wedding reception on October 17, 2014. Pending approval of Building, Electrical, Fire and Zoning Departments.

4-II [Consideration](#) of Special Class C Liquor (Beer/Wine) License for Home Plate Diner at 304 E 30th Street for Abate Toy Run on October 12, 2014. Pending approval of Building, Electrical, Fire and Zoning Departments.

5. [Consideration](#) of new Class C Liquor License with Brew Pub and High Proof Brew Pub privileges for Flix Brewhouse Iowa, 3800 Merle Hay Rd. Pending approval of Building, Electrical, Fire, Zoning and Police Departments.
6. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

PUBLIC IMPROVEMENTS

7. [Communication](#) from T K Concrete Inc. requesting permission to sublet certain items on 2014 ADA Sidewalk Ramp Program – Contract 1.

SPECIAL ASSESSMENTS

8. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of The Neighborhood Inspection Rental Code, Schedule No. 2014-08.
9. Approving deletion of NAC-Emergency Assessments at the following:
 - (A) [1241](#) 6th Avenue.
 - (B) [2701](#) SE 18th Court.

BOARDS/COMMISSIONS/NEIGHBORHOODS

10. [Recommendation](#) from Mayor T. M. Franklin Cownie to reappoint Patricia Barry to the Historic Preservation Commission, Seat 1, for a three-year term commencing March 28, 2013 to expire March 28, 2016.
11. [Approving](#) appointments to the Wastewater Reclamation Authority (WRA).

SETTING DATE OF HEARINGS

12. [On](#) conveyance of 1161 22nd Street to Home Opportunities Made Easy, Inc. (HOME, Inc.), (10-20-14).

[\(Council Communication No. 14-487\)](#)

13. [On](#) approval of a proposed Lease Agreement with The Des Moines Bicycle Collective for placement of B-Cycle Program Kiosks on City right-of-way, (10-20-14).
14. [On](#) approval of a proposed lease of property near 6th Avenue and Mulberry Street to Polk County Iowa, (10-20-14).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

15. [Approving](#) workers' compensation settlement for Lonnie Booker.
16. [Approving](#) workers' compensation settlement for Randy Moore.

CITY MANAGER COMMUNICATIONS

17. [Submitting](#) travel and training requests for Darlene Blake, T. M. Franklin Cownie, Jeff Cronin, Terry Mitchell, Greg Morse, Roger Nowadzky, Bryan O'Donnell, Jeremy Sprague and Tim Woods.

[\(Council Communication No. 14-488\)](#)

APPROVING

18. [Acceptance](#) of \$2,000 Certified Local Government Scholarship Grant to assist in travel and training costs for attendance at The National Trust of Historic Preservation National Conference by City Staff.
19. [Communication](#) from Downtown Community Alliance on behalf of St. John's Lutheran Church, requesting approval of banner design to be displayed in downtown Des Moines during November.
20. Bids from the following:
 - (A) [Moore](#) Medical (Linda M. Autore, President) for two ambulance cots as requested by the Fire Department, \$27,757.48. (Six bids mailed, three received).
 - (B) [Murphy](#) Tractor & Equipment (Rick Yaeger, Branch Manager) for rental of four motor graders for use in snow and ice control operations as requested by Fleet Maintenance, \$90,000 for a five month period. (Six bids mailed, one received).

[\(Council Communication No. 14-485\)](#)

21. [Civil](#) Service Promotional Lists for Street Sweeper Operator and Senior Radio Technician.
22. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 6 and October 13, 2014 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 6 and October 13, 2014 and to draw checks for biweekly payroll due on October 17, 2014.

ORDINANCES - FINAL CONSIDERATION

- 23. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
 - (A) Long-term metered parking – 15th Street between Walnut and Mulberry.
 - (B) Relocation of Loading Zone – E. 7th Street between E. Locust and E. Walnut.
 - (C) Physically Handicapped Person Parking Space Violation fee - change to coincide with Iowa Code.

ORDINANCES - SECOND CONSIDERATION

- 24. [Amending](#) Chapter 2 of the Municipal Code regarding releasing paid-off loans and security interests.

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

CITY MANAGER COMMUNICATIONS

- 24-I [Report](#) from City Manager Scott Sanders regarding affordable housing in Des Moines.

ORDINANCES - FIRST CONSIDERATION

- 25. [Amending](#) Chapter 2 of the Municipal Code regarding the Community Development Department administration.

COUNCIL REQUESTS

- 26. [From](#) Council Member Coleman to discuss commercial, industrial and multi-family tax abatement programs past success and modifications.
- 27. [Receipt](#) of report from the Chair of the Personnel Subcommittee and approval of recommendations.

COMMUNICATIONS/REPORTS

28. From Sharon Cooper and Laura Mundy, Fairgrounds Neighborhood Association, to speak regarding E. 30th Street beautification project.

***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 29 THRU 37)

29. On conveyance of 1201 Crocker Street to 1201 Crocker, LLC for incorporation into adjoining property for redevelopment, \$160,000.

[\(Council Communication No. 14-481\)](#)

30. On vacation and conveyance of a segment of east/west alley right-of-way adjoining 1204 Hartford Avenue to RJS Properties, LLC, \$25 and the conveyance of a segment of east/west alley right-of-way adjoining 916 and 920 Hartford Avenue to Easter Lake Estates, Inc., \$75.

[\(Council Communication No. 14-482\)](#)

(A) First consideration of ordinance above.

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

31. On vacation and conveyance of a dead-end segment of east/west alley right-of-way, east of E. 28th Street, between Indianapolis and Kinsey Avenue to Randall Van Gundy, \$50, Esther Halterman, \$50, Faith Tabernacle, Inc, \$75 and Robert and Barbara Henderson, \$100.

[\(Council Communication No. 14-484\)](#)

(A) First consideration of ordinance above.

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

32. [On](#) intent to acquire property for recreational trail purposes and authorize acquisition of necessary property interests from various property owners for the McHenry Trail Connection project.

[\(Council Communication No. 14-480\)](#)

33. [On](#) consideration of License Agreement with Iowa Network Services, Inc. for use of City-owned property, south of 1063 14th Place, \$500.

[\(Council Communication No. 14-483\)](#)

34. [On](#) proposed amendments to subdivision ordinance (Chapter 106) to authorize Community Development to provide notification to adjoining owners and collection of a notification cost from applicants of preliminary subdivision plats.

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

35. [On](#) request from Quik Trip Corporation to rezone 2426 and 2428 Hubbell Avenue and 2401 Easton Boulevard from “C-1” (Neighborhood Retail Commercial), Ltd. “M-1” (Light Industrial) and “M-1” (Light Industrial) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial).

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

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

36. On items regarding 400 SE 7th Street and 401 SE 6th Street (Matthew Connolly, purchaser) (**Continued from September 22, 2014**):

(A) [Amending](#) the Des Moines 2020 Community Character Land Use Plan.

(B) [Rezoning](#) from “M-1” (Light Industrial) to “C-3B” (Central Business Mixed-Use) to allow mixed-use development with multiple-family residential dwellings.

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

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

37. On request from Khanna Family Investments, Inc. to rezone 2917 Payne Road from “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway-Oriented Commercial) to allow a limited food sales establishment selling alcoholic liquor whereby sales of liquor, wine, beer and tobacco products does not exceed 40% of gross revenues and **to continue to December 8, 2014 at 5:00 PM.**
- (A) Consideration of Class E Liquor License renewal with C Beer & B Wine for Oasis Grocery & Liquor, 2917 Payne Rd. **(Continue to December 8, 2014 to allow the Zoning Board of Adjustment to consider this item at their November 19th meeting.)**

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

APPROVING

38. Review of Zoning Board of Adjustment decision granting a variance from separation requirement to allow expansion of a restaurant at 1106 Army Post Road to include outdoor sales of beer and wine during special events. **(Choose one alternative A, B or C)**

(Council Communication No. 14-479)

- (A) The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board’s decision will be deferred for 30 days from the date of this remand.
- (B) The City Council takes no action to review the Decision and Order. The decision of the Board will become final on October 30, 2014.
- (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.
39. Selection of Davey Resource Group for street and park tree inventory, management software, maintenance and hosting, and training services and authorizing City Manager to negotiate agreement with Davey Resource Group and Tree Des Moines.

(Council Communication No. 14-486)

40. City Manager to enter into formal discussions to evaluate the provision of Community Action Agency Programs in the City of Des Moines by Red Rock Area Community Action Program, Inc.

(Council Communication No. 14-477)

BOARD OF HEALTH

MOTION TO CONVENE. [Memo](#)

1. [The](#) Engineering Department to proceed with administrative removal to abate the public nuisance at 2934 Cottage Grove Avenue, fire-damaged main structure, Titleholder: Thomas M. Ekstrand (deceased), Heir: Ivy Cochran aka Ivy Ekstrand.

MOTION TO ADJOURN.

View City Council agendas online at www.dmgov.org



All-America City
1949 1976 1981 2003 2010