

DES MOINES CITY COUNCIL MEETING

April 21, 2014
4:30 PM

SPECIAL PRESENTATIONS – 4:00 PM

Annual Distribution Check from Polk County and Prairie Meadows

PROCLAMATIONS – 4:00 PM

Administrative Professionals Week
Affordable Housing Week
Arbor Day

INVOCATION: Council Member Moore

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 49:

***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)	DRAKE-ALUMNI HOUSE	2700 UNIVERSITY	C Beer/Wine
(B)	MADHOUSE BREWING CO	501 SCOTT AVE	B Beer
(C)	SANDS VOLLEYBALL CLUB	6214 GRAND AVE	C Liquor
(D)	STOCKMANS DINNER BELL	3000 E GRAND AVE	B Beer

RENEWAL APPLICATIONS

(E)	14TH STREET TAVERN *(1)	3418 E 14TH ST	C Liquor
(F)	ALL IN THE FAMILY LOUNGE	4249 FLEUR DRIVE	C Liquor
(G)	BARATTAS RESTAURANT	2320 S UNION ST	C Liquor
(H)	CAFE BARATTA'S	600 E LOCUST ST	C Liquor

(I)	CAPITAL CITY MOOSE LODGE	2515 WEDGEWOOD	A Liquor
(J)	DES MOINES VALERO #205	2829 EASTON BLVD	C Beer
(K)	DES MOINES YACHT CLUB	2617 INGERSOLL	C Liquor
(L)	DJANGO RESTAURANT	210 10TH ST	C Liquor
(M)	FAMOUS DAVES	4351 MERLE HAY RD	C Liquor
(N)	GERRIS	232 E 30TH ST	C Liquor
(O)	GIT N GO STORE #5	2700 INDIANOLA	C Beer
(P)	GREENWOOD LOUNGE	3707 INGERSOLL	C Liquor
(Q)	H & A MINI MART	5901 FLEUR DR	C Beer
(R)	HOME PLATE DINER	304 E 30TH ST	C Beer/Wine
(S)	JOHNNYS HALL OF FAME *(1)	302 COURT AVE	C Liquor
(T)	KRUEGERS AMOCO #2	630 SW 9TH ST	C Beer
(U)	KUM & GO #120 *(1)	101 ARMY POST RD	C Beer
(V)	KUM & GO #130 *(1)	2930 HICKMAN RD	C Beer
(W)	KUM & GO #194	4001 SW 9TH ST	C Beer
(X)	LAST STOP *(1)	2839 E UNIVERSITY	E Liquor
(Y)	PRIVATE CLIENT CATERING	2801 FLEUR DR	C Liquor
(Z)	RITUAL CAFE	1301 LOCUST ST	C Beer/Wine
(AA)	SCORNOVACCAS RISTORANTE	1930 SE 14TH ST	C Beer/Wine

OUTDOOR SERVICE APPLICATIONS

- (BB) UNIVERSITY LIBRARY 3506 UNIVERSITY C Liquor
Temporary in conjunction with the Drake Relays on April 24 – 26, 2014. Pending approval of Zoning Department.

SPECIAL EVENTS APPLICATIONS

- (CC) DOS RIOS 318 COURT AVE Five (5) Day License
Class C Liquor License for Cinco De Mayo Celebration on May 3, 2014. Pending approval of Building Department.
- (DD) DRAKE-OLMSTEAD 2875 UNIVERSITY Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on April 26, 2014.
- (EE) MARS CAFÉ 1163 24TH ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on April 25, 2014. Pending approval of Fire and Zoning Departments.
- (FF) TAP N RUN 200 SW 2ND ST Five (5) Day License
Class B Beer License for Fun Run on May 3, 2014. Pending approval of Building, Electrical and Fire Departments.
- (GG) TAP N RUN 1300 SE 1ST ST Five (5) Day License
Class B Beer License for Fun Run on May 3, 2014. Pending approval of Electrical and Fire Departments.

10. [Approving](#) request for extension of time on Municipal Service Center – Phase 1.

[\(Council Communication No. 14-166\)](#)
11. [Communication](#) from Contractors requesting permission to sublet certain items on public improvement projects.
12. [Accepting](#) completed construction and approving final payment for Downtown Bicycle Plan Implementation – Phase 1.

SPECIAL ASSESSMENTS

13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2014-03.

LAND/PROPERTY TRANSACTIONS

14. [Acceptance](#) of real estate documents from Scott Leff as Trustee of the Scott Leff Roth 401K Trust for voluntary acquisition of property at 3611 Arthur Avenue for the Four Mile Creek Floodplain Area.

[\(Council Communication No. 14-162\)](#)

15. [Approving](#) Tax Abatement Applications for additional value added by improvements completed during 2013, (2 applications).

[\(Council Communication No. 14-174\)](#)

16. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for the 2014-2015 Sidewalk Program.

[\(Council Communication No. 14-164\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Adopting](#) the Capitol East Neighborhood Plan Update.

[\(Council Communication No. 14-177\)](#)

18. [Adopting](#) the Capital Park Neighborhood Plan Update.

[\(Council Communication No. 14-180\)](#)

19. [Communication](#) from Aaron Todd advising of his resignation from the Urban Design Review Board, Seat 8, effective immediately.
 - (A) [Recommendation](#) from Mayor Frank Cownie to appoint Aaron Todd to the Historic Preservation Commission, Seat 12, for a three-year term commencing February 3, 2012 to expire February 3, 2015.
20. [Recommendation](#) from Council Member Joe Gatto to reappoint Jo Anne Corigliano to the Plan and Zoning Commission, Seat 15, for a five-year term commencing July 1, 2013 to expire July 1, 2018.
21. [Approving](#) the Metropolitan Planning Organization (MPO) Regular Member seat currently held by Carl Voss be declared vacant.
22. [Communication](#) from Will Rogers advising of his resignation from the Greater Des Moines Sister Cities Commission, Seat 9, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

23. [Regarding](#) City Council-initiated request to vacate the following, subject to reservation of easements and to receive and file proposal from Parks and Recreation Board to dedicate land in the vicinity of SE 5th and Maury Street for park land for a relocated Allen Park:
 - (A) Maury Street from SE 6th Street to Des Moines River.
 - (B) Vale Street from SE 6th Street to Des Moines River.
 - (C) North/South alley in Block 66 Town of De Moine.
 - (D) SE 5th Street from Maury Street to Des Moines River.
 - (E) North/South alley in Block 58 Town of De Moine.
 - (F) SE 5th Street from Maury to Shaw Street.
 - (G) North/South alley in Block 57 Town of De Moine.
 - (H) Shaw Street from SE 2nd Street to east side of the North/South alley in Block 57 Town of De Moine.
 - (I) SE 4th Street from Shaw Street to Des Moines River.
 - (J) SE 2nd Street from Shaw Street to Des Moines River.

SETTING DATE OF HEARINGS

24. [On](#) request from Arik Peterson (owner) d/b/a As a Dad, LLC for an amendment to the Sawyers Landing PUD Conceptual Plan on 4820 Sawyers Drive to allow accessory use of the single-family dwelling property for a home occupation business consisting of bicycle rental, (5-5-14).
25. [On](#) request from Jerry Hoots to rezone property at 2428 SW 9th Street from “C-1” (Neighborhood Retail Commercial) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to provide for application of a conditional use permit and allow the retention of an existing liquor store, (5-5-14).
26. [On](#) request from Denise Cody to rezone property at 912 43rd Street from “R1-60” (One-Family Low-Density Residential) to “R-2” (Two-Family) to allow the property to be occupied as a two-family dwelling, (5-5-14). (Plan and Zoning Commission recommends **DENIAL**)
27. [On](#) request from ST Investments, LLC to rezone property at 200 SE 6th Street from Ltd. “C-3B” (Central Business District Commercial) to Ltd. “C-3” (Central Business Mixed-Use) to allow a rental car display lot use, (5-5-14).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. [Approving](#) payment to Hall & Associates, Inc. for representation in conjunction with the Iowa League of Cities V. United States Environmental Protection Agency, \$208.67.
29. [Approving](#) payment to Belin McCormick Law Firm and reimbursement of photocopy and postage costs in conjunction with Kragnes v. City of Des Moines, \$490.69.
30. [Affirming](#) settlements made by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

31. [Submitting](#) travel and training requests for Matt Anderson, Sone Cam, Chris Coleman, T. M. Franklin Cownie, Matthew Harkin, Christine Hensley, Nick Lloyd, Skip Moore, Scott Sanders, and John Scarlett.

[\(Council Communication No. 14-186\)](#)

APPROVING

32. [Proposed](#) preliminary terms for Economic Development financial assistance for LightEdge Solutions, Inc., 215 10th Street, and authorizing City Manager to negotiate a Development Agreement.

[\(Council Communication No. 14-185\)](#)

33. [Home](#) Investment Partnerships Agreement with Stewart Park Townhomes, LLLP, for rehabilitation of Stewart Park Townhomes Development at 1428 Capitol Avenue.

[\(Council Communication No. 14-175\)](#)

34. [Application](#) to the Des Moines Enterprise Zone Commission and the Iowa Economic Development Authority for Enterprise Zone Benefits for the 201 East Locust, LLC housing project in the Gateway Enterprise Zone.

[\(Council Communication No. 14-183\)](#)

35. [Agreement](#) for extension of repayment terms for Neighborhood Commercial Revitalization Loan to Kung Fu Tea, LLC d/b/a Gong Fu Tea for property at 414 E. 6th Street.

[\(Council Communication No. 14-172\)](#)

36. [Amendment](#) to Development Agreement with Des Moines Apartments, LP for an extension on the time allowed to complete the renovation and rehabilitation of the Des Moines Building at 406 6th Avenue and 513 Locust Street.

[\(Council Communication No. 14-170\)](#)

37. [Urban](#) Renewal Development Agreement with Artisan Row LLC, for the redevelopment of property in the vicinity of 1623 Grand Avenue and approving proposed Conceptual Development Plan.

[\(Council Communication No. 14-181\)](#)

38. [Urban](#) Renewal Development Agreement with 505 East Grand LLC, for the redevelopment of property at 505 E. Grand Avenue and approving proposed Conceptual Development Plan.

[\(Council Communication No. 14-171\)](#)

39. [Release](#) of General Fund Allocation to the Municipal Housing Agency and approval of proposed commitments for funding allocations and set aside for the Community Oriented Policing Services (COPS) grant program.

[\(Council Communication No. 14-184\)](#)

40. [Agreement](#) with Des Moines Independent Community School District for shared use of park and recreational facilities.

[\(Council Communication No. 14-179\)](#)

41. [Receive](#) and file Quarterly Treasurer's Report as of March 31, 2014.

42. Number Not Used.

43. [Application](#) from Drake Relays Group requesting approval to temporarily place banners across the street on Grand Avenue between 12th & 13th Streets for the Grand Blue Mile on April 22, 2014 for start and finish lines.

44. [Application](#) from Drake Relays Hy-Vee Road Races requesting approval to temporarily place banners across the streets on 27th Street, Forest Avenue, 19th, Grand Avenue at 15th Street on Saturday, April 26 and Sunday, April 27 for the Hy-Vee Road Races.

45. Communications from Downtown Community Alliance, on behalf of The Meredith Corporation for approval of banner designs to be displayed in the Western Gateway for the following:

- (A) [Summer](#) – June – September.

- (B) [Fall](#) – September – November.

- (C) [Winter](#) – November – February.

46. [Communication](#) from Downtown Community Alliance, on behalf of the Civic Music Association, requesting approval of banner design for banners to be displayed in Downtown Des Moines on Locust Street from June – August.

- 47. [Bid](#) from Sink Paper (Barb Sink, President) for an annual contract with five additional one-year renewal options to furnish janitorial paper and plastic supplies for use in municipal buildings as requested by the Parks and Recreation Department, \$55,000 annual estimate. (Nine bids mailed, four received.)
- 48. [Civil](#) Service Entrance List for Housing Case Manager and Tree Trimmer.
- 49. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 21 and April 28, 2014, and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 21 and April 28, 2014 and to draw checks for biweekly payroll due on May 2, 2014.

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

ORDINANCES - FIRST CONSIDERATION

- 50. [Amending](#) Chapter 46 of the Municipal Code regarding securing of fire-damaged premises after a fire event.

[\(Council Communication No. 14-176\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by the Fire Chief), requires 6 votes.

COMMUNICATIONS/REPORTS

- 51. [From](#) James Andrew, 1407 Linden Lane, Des Moines, to speak regarding the City budget.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 55)

- 52. [On](#) vacation and conveyance of the remaining segment of east/west alley right-of-way adjoining 306 E. 3rd Street to 201 East Locust, LLC, \$31,000.

[\(Council Communication No. 14-159\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver is requested by Hansen Real Estate), requires 6 votes.

53. On conveyance of portions of the vacated east/west alley right-of-way between Hickman Road and Francis Avenue from 16th Street to 18th Street to Juan P. Argueta, \$50 and Laverne R. and Maxine L. Anderson, \$25.

(Council Communication No. 14-163)

54. On conveyance of permanent easements to the Des Moines Metropolitan Wastewater Reclamation Authority and Des Moines Water Works for the WRA New Main Outfall, Phase 17, Segments 5 and 6 Project in the vicinity of SE 2nd and Shaw Street to SE 6th Street, north of Vale Street.

55. Items regarding Certificate of Public Convenience and Necessity to operate limousine services:

(Council Communication No. 14-178)

- (A) First consideration of ordinance amending Chapter 126 of the Municipal Code regarding a probationary certificate.
- (B) Final consideration of ordinance above (waiver requested by the Legal Department), requires 6 votes.
- (C) Hearing on application from NPI Limo Service LLC, Brady Johnson, Urbandale Iowa. (Continued from April 7, 2014 Council Meeting).

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

APPROVING

56. Approving design concept for Grand Avenue Bridge over Des Moines River.

(Council Communication No. 14-182)

57. Approving and Authorizing the application for a Department of Transportation (DOT) TIGER Discretionary Grant for the Downtown Transportation Restoration project.

(Council Communication No. 14-188)

58. Authorizing the approval and execution of and delivery of the Second Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority, consenting to and ratifying and confirming the issuance of bonds by the Board of the Des Moines Metropolitan Wastewater Reclamation Authority for the purpose of constructing improvements under the terms of the Agreement and related matters.

(Council Communication No. 14-187)

59. Resolution of support endorsing The Des Moines Area Metropolitan Planning Organization (MPO) Tomorrow Plan.
60. Applications from Clear Channel Outdoor, Inc. for relief from the moratorium for the following:
- (A) ~~Denying the request on the construction of electronic signs, seeking to use the 1.5 conversion credits it previously earned, to convert existing legal non-conforming off-premises advertising signs to use an electronic display.~~
 - (B) Granting the request on conversion credits for the removal of existing off-premises advertising signs, to allow a credit to be earned for the removal of the sign at 1300 Keosauqua Way.

EXTRA ITEM

1. Request from Council Member Hensley to speak regarding fees for Court Avenue Taxi stand.

MOTION TO ADJOURN.

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