



*** DES MOINES CITY COUNCIL MEETING REPORT ***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '15-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

City Hall, Council Chambers

400 Robert D. Ray Dr.

Des Moines, Iowa 50309

September 14, 2015

4:30 PM

INVOCATION: Council Member Hensley

- [15-1473](#) 1. **ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.**
- [15-1474](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1475](#) 3. **APPROVING CONSENT AGENDA * – items 3 through 50: Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

***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

[15-1476](#)

4. [Approving](#) Alcoholic Beverage License Applications from the following: **Moved by Hensley to adopt. Motion Carried 7-0. Council Member Coleman and Moore vote No on item M. Council Member Gray moved items JJ, KK and MM. Motion Carried 7-0.**

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 IZAAK 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
(II)	WASABI CHI ASIAN DINER	5418 DOUGLAS AVE	C Liquor

OUTDOOR SERVICE APPLICATIONS

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

*(KK) GOODSONS 2815 BEAVER AVE C Liquor
Temporary in conjunction with Beaverville 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 Beaverville 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.

- [15-1477](#) 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. **Moved by Gray to adopt. Motion Carried 7-0.**
- [15-1478](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**
- [15-1479](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- [15-1480](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1481](#) 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](#)) **Moved by Coleman to adopt. Motion Carried 5-2. Nays: Gatto and Moore.**
- [15-1482](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

10. Approving Private Construction Contracts for the following:

[15-1483](#) (A) [Elder](#) Corporation and Hy-Vee Construction, LC for storm sewer improvements in 5th Avenue, south of Court Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1484](#) (B) [The](#) Hansen Company, Inc. and Quiktrip Corporation for paving improvements in 2428 Hubbell Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1485](#) 11. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

12. Accepting completed construction and approving final payment for the following:

[15-1486](#) (A) [2014](#) Sewer Repair-Contract 1, The Underground Company, Ltd. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1487](#) (B) [2014-2015](#) Expanded Street Resurfacing Program – Contract 1, Grimes Asphalt & Paving Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1488](#) (C) [Grand](#) Avenue Bridge Over Walnut Creek, Jenco Construction, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1489](#) (D) [M. L.](#) King Jr. Parkway Hawk Signals – Carpenter Avenue to Hickman Road, Baker Electric, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

[15-1490](#) 13. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2015-06. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

[15-1491](#) (A) [614](#) – 45th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1492](#) (B) [1402](#) – 48th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1493](#) (C) [416](#) SE 36th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [15-1494](#) (D) [906](#) Morton Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1495](#) (E) [7541](#) Southview Drive. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1496](#) (F) [2501](#) – 24th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1497](#) (G) [705](#) E. Miller Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1498](#) 15. **Approving** deletion of rental inspection assessment at 5209 SW 9th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

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

- [15-1499](#) (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. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1500](#) (B) [CeCelia](#) Ibson to the Housing Services Board, Seat 4, for a three-year term commencing June 30, 2015 to expire June 30, 2018. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1501](#) (C) [Judi](#) Isaacson to the Citizen Odor Board, Seat 3, for a three-year term commencing April 1, 2015 to expire April 1, 2018. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1502](#) (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. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1503](#) 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](#)) **Moved by Moore to adopt. Refer to the City Manager, Community Development Department and Neighborhood Revitalization Board to provide a definition of Neighborhood Association. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [15-1504](#) 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. **Moved by Hensley to receive and file the communication from the Plan and Zoning Commission and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [15-1505](#) 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. **Moved by Hensley to receive and file the communication from the Plan and Zoning Commission and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0**
- [15-1506](#) 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. **Moved by Hensley to receive and file the communication from the Plan and Zoning Commission and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0**
- [15-1507](#) 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. **Moved by Hensley to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [15-1508](#) 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). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1509](#) 23. [On](#) vacation and conveyance of a portion of SE 40th Street to John F. and Emmie L. Anderson, \$900, (9-28-15). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1510](#) 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). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1511](#) 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). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [15-1512](#) 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). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1513](#) 27. [On](#) request from Sherman Gray's Landing Hotel Development, LLC for a 3rd Amendment to the Gray's Landing Office I PUD Conceptual Plan for 333 SW 11th Street, (9-28-15). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1514](#) 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). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [15-1515](#) 29. [Approving](#) payment of billing from Duncan, Green, Brown & Langeness on matters related to construction disputes, \$16,685.50. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1516](#) 30. [Approving](#) payment to Tim Smith for property damage liability claim. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1517](#) 31. [Approving](#) payment to Robbie Lydic for settlement of workers' compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1518](#) 32. [Approving](#) payment to Douglas Triplett for settlement of a workers' compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [15-1519](#) 33. [Submitting](#) travel and training requests for Cody Brigman, T. M. Franklin Cownie, Aaron Entrekin, Eric Hartman, David Ness, Nekesha Palmer, Thomas Patava, Jeremy Sprague, Greg Trimble, Dana Wingert, Brad Youngblut, Richard Zimmerman and Jasmin Zulic. ([Council Communication No. 15-495](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [15-1520](#) 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](#)) **Moved by Hensley to receive, file and approve the preliminary terms of agreement as set forth in Council Communication No. 15-496 and to direct the City Manager to proceed with the negotiation of a formal agreement with 219 East Grand, LLC, consistent with the terms set forth in Council Communication No. 15-496. Motion Carried 7-0.**
35. Number Not Used.
- [15-1521](#) 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](#)) **Moved by Hensley to receive and file Council Communication No. 15-486; to direct the City Manager to review and initiate creation, for Council consideration and approval and subject to all requirements of Iowa and local law, of an urban renewal plan for the site at SW 42nd Street and Army Post Road; and to direct the City Manager to negotiate a development agreement with EP2 for the SW 42nd Street and Army Post Road site. Motion Carried 7-0.**
- [15-1522](#) 37. [Issuance](#) of a demolition permit allowing implosion of the Downtown Riverfront YMCA building at 101 Locust Street on October 4, 2015. ([Council Communication No. 15-479](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1523](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1524](#) 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](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [15-1525](#) 40. [Acceptance](#) of 2015 Homeland Security Weapons of Mass Destruction (WMD)/SWAT and the Explosive Ordnance Detection (EOD) grants, \$406,741. ([Council Communication No. 15-487](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [15-1526](#) 41. [Use](#) of various City Facilities as poll sites for precincts 30, 53 and 68 for the Regular City Election on November 3, 2015. **Moved by Hensley to approve. City Clerk will notify the Parks Department and the Housing Services Department to arrange access to the buildings. Motion Carried 7-0.**
- [15-1527](#) 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. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- [15-1528](#) 43. [Application](#) from Des Moines Oktoberfest, LLC requesting approval for a banner across The Deport Arch on 4th Street to promote the Oktoberfest event on September 24-27, 2015. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- [15-1529](#) 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. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- [15-1530](#) 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. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- [15-1531](#) 46. [Adopting](#) an amended Schedule of Fees for Cemeteries under Chapter 34 of the City Code. ([Council Communication No. 15-485](#)) **Moved by Coleman to adopt. Refer to the City Manager to consider discounted cemetery fees for City employees. Motion Carried 7-0.**
- [15-1532](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1533](#) 48. [Civil](#) Service Entrance Lists for Compensation Specialist, Deputy Building Official and Promotional List for Senior Building Equipment Operator. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [15-1534](#) 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [15-1535](#) 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). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [15-1536](#) 51. Amending Chapter 58 of the Municipal Code regarding historic review of proposed demolition. (Council Communication No. 15-480) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [15-1537](#) 52. Amending Chapter 102 of the Municipal Code regarding snow and ice removal. (Council Communication No. 15-493) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [15-1538](#) 53. From City Manager and Fire Chief to give an update on the Fire Department. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**
- [15-1539](#) 54. From Michael J. Van Haalen (Des Moines Professional Firefighters), 910 Linden Street, Pleasantville, requesting to speak regarding Fire Chief John Tekippe. **Moved by Hensley to receive and file comments. Refer to the City Manager and staff to provide a status update in 45-60 days. Motion Carried 7-0.**
- [15-1540](#) 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. **Moved by Hensley to receive and file comments. Refer to the City Manager and Police Department to work with stakeholders and bring a recommendation back to Council. Motion Carried 7-0.**
- [15-1541](#) 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. **Moved by Coleman to receive and file comments. Refer to the City Manager and Engineering Department for review and recommendation at the October 26, 2015 Council meeting. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:11 P.M.) (ITEMS 57 THRU 66)

- [15-1542](#) 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](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [15-1543](#) (A) **First** consideration of ordinance above. **Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [15-1544](#) (B) **Final** consideration of ordinance above (waiver requested by Drake University), requires six votes. **Moved by Gray that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,400. Motion Carried 7-0.**
- [15-1545](#) 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. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1546](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [15-1547](#) (B) **Final** consideration of ordinance above (waiver requested by Dirk Westercamp), requires six votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,401. Motion Carried 7-0.**
59. Items regarding property located at 905 Walker Street:
- [15-1548](#) (A) **Amend** the Des Moines’ 2020 Community Character Plan future land use designation from Low-Density Residential to Low/Medium-Density Residential. **Moved by Mahaffey to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [15-1549](#) (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. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [15-1550](#) (C) **First** consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[15-1551](#)

- (D) [Final](#) consideration of ordinance above (waiver requested by Brad Lowe), requires six votes. **Moved by Mahaffey that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,402](#). Motion Carried 7-0.**

60. Items regarding property located at 4111, 4117 and 4121 McKinley Avenue (**Plan and Zoning Commission recommends DENIAL**):

[15-1552](#)

- (A) [Amend](#) the Des Moines' 2020 Community Character Plan future land use designation from Low-Density Residential to Low/Medium-Density Residential. **Moved by Hensley to adopt and DENY the proposed amendment. Motion Carried 6-1. Absent: Coleman.**

[15-1553](#)

- (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. **Moved by Hensley to adopt and DENY the proposed rezoning and proposed PUD Conceptual Plan, and to make the following findings of fact regarding the proposed rezoning and Plan: a. The City Plan and Zoning Commission voted 10-0-1 to recommend denial of the requested rezoning of the property to "PUD" Planned Unit Development and of the requested approval of a PUD Conceptual Plan related thereto, to allow development of the site with 12 dwelling units with 6 single-family semi-detached dwellings. b. The proposed rezoning and Plan are not compatible with the Low-Density Residential future land use designation in the Des Moines' 2020 Community Character Plan, and an amendment to the Low/Medium-Density Residential designation is not appropriate given the single-family residential character of the neighborhood and potential for higher levels of stormwater drainage issues, property value impacts, and other impacts for adjoining areas. c. The Southwestern Hills Neighborhood Association is opposed to the proposed rezoning and Plan. d. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the property, then appropriate remedy is to seek relief from the Zoning Board of Adjustment. Motion Carried 6-1. Absent: Coleman.**

WITHDRAWN

[15-1554](#)

- (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**):

[15-1555](#)

(A) [Amend](#) the Des Moines' 2020 Community Character Plan future land use designation from Low-Density Residential to General Industrial. **Moved by Hensley to adopt and DENY the proposed amendment. Motion Carried 7-0.**

[15-1556](#)

(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. **Moved by Hensley to adopt and DENY the proposed rezoning, and to make the following findings of fact regarding the proposed rezoning: a. The City Plan and Zoning Commission voted 7-4 to recommend denial of the requested rezoning of the property to "M-1" Light Industrial District to allow expansion of an existing auto-body repair operation. b. The proposed rezoning is not compatible with the Low-Density Residential future land use designation in the Des Moines' 2020 Community Character Plan and an amendment to General Industrial designation is not appropriate given the close proximity of residential uses to the north and east and potential for higher levels of noise, traffic and other impacts for adjoining areas. c. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment. Motion Carried 7-0.**

WITHDRAWN

[15-1557](#)

(C) [First](#) ~~consideration of ordinance to rezone the property.~~

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

[15-1558](#)

(A) [Amend](#) the Des Moines' 2020 Community Character Plan future land use designation from Commercial: Pedestrian-Oriented, Commercial Corridor to General Industrial. **Moved by Mahaffey to adopt and DENY the proposed amendment. Motion Carried 7-0.**

[15-1559](#)

- (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. **Moved by Mahaffey to adopt and DENY the proposed rezoning, and to make the following findings of fact regarding the proposed rezoning: a. The City Plan and Zoning Commission voted 11-0 to recommend denial of the requested rezoning of the property to Ltd. “M-1” Light Industrial District to allow conversion of the building to a manufacturing use. b. The Highland Park Neighborhood Plan contemplates that the property will remain in the character of the surrounding pedestrian-oriented commercial area. c. The character of the surrounding area is best suited by occupancies which serve pedestrian retail traffic, and thus the proposed rezoning is not consistent with the character of the surrounding commercial area. d. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment. Motion Carried 7-0.**

WITHDRAWN

[15-1560](#)

- (C) [First](#) consideration of ordinance above to rezone the property.

[15-1561](#)

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. **Moved by Hensley to adopt. Motion Carried 7-0.**
64. Items regarding Echo Valley Urban Renewal Area:

[15-1562](#)

- (A) [Communication](#) from the Plan and Zoning Commission. **Moved by Hensley to receive and file the communication from Plan and Zoning Commission. Motion Carried 7-0.**

[15-1563](#)

- (B) [Resolution](#) of Necessity for the Echo Valley Urban Renewal Area. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1564](#)

- (C) [Hearing](#) on adoption of the proposed Echo Valley Urban Renewal Area. ([Council Communication No. 15-497](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1565](#)

- (D) [First](#) consideration of ordinance establishing the Echo Valley Urban Renewal Area as a Tax Increment Finance (TIF) District. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[15-1566](#)

- (E) [Final](#) consideration of ordinance above (waiver requested by Mike Coppola), requires six votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,403](#). Motion Carried 7-0.**

WITHDRAWN

[15-1567](#)

(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)~~

[15-1568](#)

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](#)) **Moved by Mahaffey to continue the public hearing on the Eastgate Urban Renewal Plan until October 12, 2015 at 5:00 PM in the Council Chambers at City Hall. Motion Carried 7-0.**

[15-1569](#)

66. On Skywalk Bridge 6D-7D Repairs: approving plans, specifications, form of contract documents, Engineer's Estimate, receive and file bids and designating lowest responsible bidder as Neumann Brothers, Inc., (Marshall G. Linn III, President/CEO), \$449,400. ([Council Communication No. 15-491](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1570](#)

(A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

** END HEARINGS AT 5:30 PM **

APPROVING

[15-1571](#)

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](#)) **Moved by Hensley to adopt. Assist affected property owners with tree replacement, where possible. Motion Carried 7-0.**

- **Mayor Cownie left the meeting at 6:58 PM.**

[15-1572](#)

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](#)) **Moved by Coleman to adopt; refer to the City Manager to include public parking needs in the preliminary terms of agreement. Motion Carried 6-1. Absent: Cownie.**

[15-1573](#)

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](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Cownie.**

EXTRA ITEMS

- [15-1574](#) 1. **From** Council Member Bill Gray to speak regarding a greenway in Ward 1. **Moved by Gray to refer to the City Manager to work with the Lower Beaver Neighborhood Association to place a sign naming the greenway area on the east side of M. L. King Jr. Parkway between Clarkson and Aurora Avenue after Tom and Sophie Vlassis. Motion Carried 6-1. Absent: Cownie.**
- [15-1575](#) 2. **From** Council Member Skip Moore to speak regarding violence in the Community. **Moved by Moore to receive and file comments. Motion Carried 6-1. Absent: Cownie.**
- [15-1576](#) 3. **From** Council Member Skip Moore to speak regarding an update on solid waste. **Moved by Moore to receive and file comments. Motion Carried 6-1. Absent: Cownie.**
- [15-1577](#) MOTION TO ADJOURN. **Moved by Gray to adjourn at 7:25 PM. Motion Carried 6-1. Absent: Cownie.**

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