

DES MOINES CITY COUNCIL MEETING

January 7, 2008 4:30 P.M.

Reception – 3:00 – 4:00 P.M.

for

T.M. Franklin Cownie, Mayor

Chris Coleman, Council Member At-Large

Robert Mahaffey, Council Member, Ward II

Brian Meyer, Council Member, Ward IV

Great Hall, 2nd Floor

400 Robert D Ray Drive

Oath of Office Ceremony - 4:00 – 4:15 P.M.

Municipal Housing Governing Board Meeting – 4:15 P.M.

INVOCATION: Chaplain John Harrell
Fire Department

1. ROLL CALL:

I. Approving reappointment of the following:

(A) [City](#) Manager.

(B) [City](#) Attorney.

(C) [City](#) Clerk.

(D) [Chief](#) Deputy City Clerk.

(E) [Deputy](#) City Attorneys and Assistant City Attorneys.

(F) [The](#) matter of performance evaluations for the City Manager, City Attorney, City Clerk, and Human Rights Director be referred to the Employee Evaluation Subcommittee, (Coleman, Hensley and Mahaffey) for report back at the January 28, 2008 Council Meeting.

II. [Approving](#) recommendation of Mayor Cownie for appointment of Mayor Pro Tem for 2008.

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

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***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.

3. APPROVING CONSENT AGENDA – items 3 through 43:

LICENSES AND PERMITS

4. [Approving](#) Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A)	BENNIGANS GRILL & TAVERN	1810 ARMY POST RD	B Liquor
(B)	LA TAPATIA 2	3504 MERLE HAY RD	C Beer
(C)	LA TAPATIA 3	4007 SE 13TH ST	C Beer
(D)	ROLLING WOK CAFE	1534 E GRAND AVE	C Beer/Wine

RENEWAL APPLICATIONS

(E)	A DONG RESTAURANT	1511 HIGH ST	C Beer/Wine
(F)	ALLIED INSURANCE	1100 LOCUST ST	C Liquor
(G)	BIG DOG BILLIARDS	2200 E EUCLID AVE	C Liquor
(H)	CHADS CLUB 2000	422 INDIANOLA AVE	C Liquor
(I)	CONY ISLAND #2	3700 SW 9TH ST	B Beer
(J)	CORIGLIANOS PIZZA	2619 SW 9TH	B Beer
(K)	DES MOINES ASIAN FOOD	1623 6TH AVE	C Beer
(L)	FEDERAL DISTRIBUTORS INC	3000 E GRAND AVE	C Beer/Wine
(M)	GIT N GO STORE #29	4900 URBANDALE AVE	C Beer
(N)	GIT N GO STORE #32	2911 DOUGLAS AVE	C Beer
(O)	HIGHLAND PARK POST NO 374	3712 2ND AVE	A Liquor
(P)	JIFFY #924	3718 SW 9TH ST	C Beer
(Q)	JOESEPPES (LOWER LEVEL)	1930 SE 14TH ST	C Liquor
(R)	KUM & GO #552	4944 DOUGLAS AVE	C Beer
(S)	KWONG TUNG RESTAURANT	2721 INGERSOLL AVE	C Beer/Wine
(T)	LA HACIENDA	900 E ARMY POST RD	C Liquor
(U)	LIFT	222 4TH STREET	C Liquor
(V)	MEXICAN MARKET	1456 2ND AVE	C Beer
(W)	ROOKIES	6151 THORNTON AVE	C Liquor
(X)	TOBACCO OUTLET PLUS #521	2601 E EUCLID AVE	C Beer
(Y)	TROPHYS SPORTS BAR & GRILL	2701 DOUGLAS AVE	C Liquor

SPECIAL EVENT APPLICATIONS

- (Z) IOWA WINE VILLAGE 730 3RD ST B Native Wine
In conjunction with the Home and Garden Show at Hy-Vee Hall on February 6-10, 2008. Pending approval of Building and Fire Departments.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:
 - (A) [American](#) Discovery Trail Segment 3 from North Valley Drive to Bill Riley Trail along Walnut Creek – Receiving of bids, (1-16-08), and Setting date of hearing, (2-11-08). (Construction Estimate - \$450,000).

[\(Council Communication No. 08-016\)](#)
 - (B) [Gray's](#) Lake Terrace Building Shade Structure – Receiving of bids, (1-29-08), and Setting date of hearing, (2-11-08). (Construction Estimate - \$110,000).

[\(Council Communication No. 08-015\)](#)
 - (C) [Scott](#) Avenue Bridge over Leetown Creekway – Receiving of bids, (1-29-08), and Setting date of hearing, (2-11-08). (Construction Estimate - \$550,741.70).

[\(Council Communication No. 08-017\)](#)
7. [Approving](#) Agreement with U.S. Department of the Interior Geological Survey for the operation and maintenance of six (6) River and Stream Gauging Stations.

[\(Council Communication No. 08-019\)](#)
8. [Approving](#) Supplemental Agreement No. 5 to the I-235 Birds Run Outlet Storm Sewer Professional Services Agreement with Veenstra & Kimm, Inc. to perform design modifications and construction phase services for the Ingersoll Run Outlet Storm Sewer, not to exceed \$455,605.22.

[\(Council Communication No. 08-013\)](#)
9. Accepting completed construction and approving final payment for the following:
 - (A) [Venter](#) Spooner, Inc. – Glendale/West Zone Maintenance Facility.
 - (B) [McAninch](#) Corporation – Twana/Bel-Aire Storm Sewer Improvements.
 - (C) [Van](#) Hauen & Associates, Inc. – Vandalia Trunk Sanitary Sewer Emergency Repair.
 - (D) [Rognes](#) Corporation – Upper Union Park Sewer Separation Phase II.

SPECIAL ASSESSMENTS

10. [Levyng](#) Assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2008-01.

LAND/PROPERTY TRANSACTIONS

11. [Approve](#) and accept Warranty Deed for public right-of-way from Robert and Beverly Merkle in vicinity of 5219 NE 38th Avenue.
12. [Establishing](#) fair market value for multiple properties for the Southeast Connector Project – SW 2nd to SE 6th Street Phase.

[\(Council Communication No. 08-014\)](#)

13. [Approving](#) acceptance of easements for private development of a multiple family residential project at 6000 Creston Avenue from Deer Ridge V Limited Partnership.
14. [Approving](#) issuance of Replacement Quit Claim Deed for vacated property adjoining 3606 E. 39th Street to George and Carrie Smith.
15. [Approving](#) final plat for Forget Properties Plat 1, located at 4411 SE 14th Street.

[\(Council Communication No. 08-011\)](#)

COMMUNICATIONS FROM PLANNING AND ZONING

16. [Regarding](#) request from Art Cunningham for approval of a preliminary subdivision plat for “Chandler’s Acres” located at 4080 NE 47th Street. (Located within the two mile jurisdiction for extraterritorial review by the City).
17. [Regarding](#) request from HDR Land Development, LLC for approval of a preliminary subdivision plat for “Woods of Copper Creek Plat 1” located at 4680 NE 23rd Street, subject to conditions.

SETTING DATE OF HEARINGS

18. [On](#) vacation and conveyance of an air space easement adjoining 707 8th Street to Principal Life Insurance Company, \$30, (1-28-08).
19. [On](#) vacation and conveyance of an easement for air space above a portion of 13th Street right-of-way between Locust and Walnut Street, and above a portion of Walnut street right-of-way between 12th Street and 13th Street, to Nationwide Mutual Insurance Company, \$400, (1-28-08).

20. [On](#) request from Hubbell Realty Company to rezone a portion of 3915 Fleur Drive from “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development), subject to conditions, (1-28-08).
21. [On](#) request from Foods Inc. (Dahl’s) to rezone 3425 Ingersoll Avenue from “NPC” (Neighborhood Pedestrian Commercial) and “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development), (1-28-08).
22. [On](#) appeal by Trafalgar Properties, L.C. of Historic Preservation Commission Ruling for denial of Certificate of Appropriateness for proposed new garage at 1520 Center Street, (2-25-08).
23. [On](#) 2008-1 Omnibus Amendment to City’s Urban Revitalization Plan on a three-year extension of tax abatement for residential and commercial development and amending the available schedules, (2-11-08).

[\(Council Communication No. 08-006\)](#)

24. [On](#) Supplement C-1 to the City’s Master Lease-Purchase Agreement for purchase of various vehicles and equipment for the Public Works Department, not to exceed \$750,000, (1-28-08).

[\(Council Communication No. 08-005\)](#)

25. [On](#) 3-year lease agreement with Drake University for a building at 1222-24th Street, (former post office), to house the Des Moines Police Department Traffic Unit, (1-28-08).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. [Approving](#) payment of \$148.50 to Myers & Jenkins Law Firm for services related to the UAL Corporation, ATA Holdings Corp., Delta Air Lines, Inc., et. al. (Comair, Inc.) and Northwest Airlines Corporation, et. al. bankruptcies.
27. [Approving](#) payment of \$20,808.66 to Melanie Bauer for a workers’ compensation claim.
28. [Approving](#) payment of \$11,927.26 to Roger Bauer for a workers’ compensation claim.
29. [Approving](#) payment of \$26,774.40 to John Payne for a workers’ compensation claim.
30. [Approving](#) payment of \$5,973.53 to Carl Priest for a workers’ compensation claim.
31. [Approving](#) payment of \$25,667.56 to Gary Reynolds for a workers’ compensation claim.

CITY MANAGER COMMUNICATIONS

32. [Submitting](#) travel request for John L. Jones and Merrill Stanley.

[\(Council Communication No. 08-020\)](#)

APPROVING

33. [Urban](#) Renewal Development Agreement with Brownstones on Grand, LLC and Conceptual Development Plan for pending phases of The Brownstones on Grand.

[\(Council Communication No. 08-021\)](#)

34. [Agreements](#) related to an Economic Development Forgivable Loan for \$120,000, an Economic Development Grant of up to \$80,000, a State of Iowa Community Economic Betterment Account (CEBA) Loan of \$150,000, and a CEBA Forgivable Loan of \$150,000 to American Healthways Services, Inc.

[\(Council Communication No. 08-009\)](#)

35. [Acceptance](#) of grant from Greater Des Moines Community Foundation for digital model of downtown.

[\(Council Communication No. 08-010\)](#)

36. [Amendment](#) to the Police Department Schedule of Fees.

37. [Receipt](#) of Des Moines Water Works' adopted budget for calendar year ending December 31, 2008.

(A) [Authorization](#) for Mayor Cownie to send the attached letter to Des Moines Water Works.

38. [Selection](#) of Director and Alternate for the Metropolitan Coalition.

- ~~39. [First](#) one-year renewal and authorizing second one-year renewal of agreement for Master Lease Purchase Services with Banc of America Leasing & Capital, LLC.~~

~~[\(Council Communication No. 08-008\)](#)~~

40. [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving Evelyn K. Davis Park Program Management Agreement with June L. Owens & Associates, LLC, \$75,000.

[\(Council Communication No. 08-007\)](#)

41. [Civil](#) Service Entrance Lists for Public Works Assistant, Economic Development Coordinator, Housing Services Accounting Analyst and CAD Graphic Technician and Promotional List for Sewer Maintenance Supervisor.
42. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 31, 2007, January 7 and January 14, 2008; to draw checks for the bills of the Des Moines Municipal Housing Agency for the week of December 31, 2007, January 7 and January 14, 2008; and to draw checks for bi-weekly payroll due January 4 and January 18, 2008.

ORDINANCES - SECOND CONSIDERATION

43. [Amending](#) Chapter 74 of the Municipal Code regarding fees for golf courses, lodges, park shelters and other park rentals, pool rental, Brenton Skating Plaza, Simon Estes Riverfront Amphitheater and vendors.
 - (A) [Final](#) consideration of ordinance above, (waiver requested by Park and Recreation Department), requires 6 votes.

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

ORDINANCES - FIRST CONSIDERATION

44. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
 - (A) Passenger Loading Zone – adjacent to Polk County Convention Complex entry area on Grand Avenue.
 - (B) Removal of Commercial Loading Zone – South side of High Street, east of 16th Street.
 - (C) Removal of Watson Powell Jr. Way between Grand Avenue and 2nd Avenue.
 - (D) Petition for Parking Restrictions – Scandia Avenue from SE 5th to SE 7th and Removal of stop sign at SE 7th and Scandia.

[\(Council Communication No. 08-018\)](#)

45. [Rezoning](#) property between E. Payton and E. Army Post Road from Indianola Avenue through the 2900 block of E. Payton; and between E. Payton Avenue and E. Porter/E. Caulder Avenue, from the 2700 block through the 2900 block, from “R1-80” (One-Family Residential) to Ltd. “C-1” (Neighborhood Retail Commercial), Ltd. “R-3” (Multiple Family Residential) and Ltd. “R1-70” (One Family Low-Density Residential), and repealing Ordinance No. 14,716.

- (A) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.

COMMUNICATIONS/REPORTS

46. From Ted Grob, Savannah Homes, 800 50th Street, WDM, to speak regarding Silver Leaf PUD, 5100 NE 38th Avenue.
47. From Park and Recreation Board regarding initiation of a multi-jurisdictional planning process for development of Des Moines and Raccoon Rivers Greenway.

***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 48 THRU 50)

48. On appeal from Gretchen Schultz, 115 E. Caulder Circle, regarding recommended denial of a Taxicab License.
49. On property in the vicinity of 2680 E. Payton Avenue:
- (A) To amend the Des Moines 2020 Community Character Land Use plan future land use designation from Public/Semi-Public and Easter Lake New Town Plan General Development Zone, and Low-Density Residential, to Low/Medium Density Residential - only for the portion of property designated for the assisted living project on the submitted development concept.
 - (B) Hearing on request from Tim Hildebrandt to rezone property from “R1-80” (One Family Residential) to “R-3” (Multiple-Family Residential) to allow a 50-unit assisted living residential apartment complex.
 - (C) First consideration of ordinance above.
 - (D) Final consideration of ordinance above, (waiver requested by the applicant), requires 6 votes.
50. On development agreement with Mesaba Airlines, Inc. for property at the Des Moines International Airport. **(Continue to February 11, 2008 at 5:00 P.M.)**

APPROVING

51. [Iowa](#) Terrorism/Weapons of Mass Destruction Hazardous Materials Response Team Memorandum of Agreement with State of Iowa Homeland Security and Emergency Management Division.

([Council Communication No. 08-003](#))

52. [Receipt](#) of review of decision of Board of Adjustment to conditionally approve a use variance to allow a garage for general motor vehicle repair at 4540 Lower Beaver Road.

([Council Communication No. 08-022](#))

53. [Agreement](#) with Downtown Community Alliance (DCA) for Enhanced Parking System Customer Services and Related Programs.

54. [Child](#) Care Center Operational Agreement with Childtime Child Care, Inc. to operate and manage the child care center in the Intermodal Transportation Facility at Sixth and Center Streets.

([Council Communication No. 08-004](#))

EXTRA ITEMS

These extra items are filed after 5:00 PM on the Wednesday preceding a Council meeting and have been included upon the amended agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action- said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

1. [Update](#) from the Super Block Master Plan Committee and request for extension of completion date to April 2008. Sponsor: Meyer.

([Council Communication No. 08-023](#))

BOARD OF HEALTH

MOTION TO CONVENE.

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
 - (A) [2000](#) SW 1st Street (fire damaged structure), Titleholder: Theodore Rice.
 - (B) [2914](#) Oxford (structure, accessory building, garage), Titleholder: Judith A. Byerly.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003