

DES MOINES CITY COUNCIL MEETING
January 28, 2008 4:30 P.M.

INVOCATION: Rabbi Aaron Schwartzbaum
Beth El Jacob Synagogue
954 Cummins Pkwy

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
* * * * *

***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 46:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	ALBA RESTAURANT	519 DES MOINES ST	C Liquor
(B)	COURT SIDE ENTERTAIN	1014 E 14TH ST	C Liquor
(C)	MARIANAS	1305 UNIVERSITY AVE	B Beer
(D)	MEXICO LINDO	2811 SE 14TH ST	C Liquor
(E)	SHOTZ & GRILL CORDOBA	2500 M. L. KING JR PKWY	C Liquor
(F)	SNAKE PIT LOUNGE	3100 McKINLEY AVE	A Liquor

RENEWAL APPLICATIONS

(G)	BAN THAI RESTAURANT	215 E WALNUT ST	C Beer/Wine
(H)	CAFE DI SCALA	644 18TH ST	C Liquor
(I)	CASEYS GEN. STORE #2244	2150 E ARMY POST ROAD	C Beer
(J)	COONEYS TAVERN	3708 BEAVER AVE	C Liquor
(K)	CYCLES WALNUT TAP	2401 E WALNUT ST	C Liquor
(L)	DIAMOND JACKS	3000 E GRAND AVE	C Liquor
(M)	FLYING MANGO	4345 HICKMAN RD	C Liquor
(N)	GIT N GO STORE #18	6501 SE 14TH ST	C Beer
(O)	GIT N GO STORE #27	1240 KEOSAUQUA WAY	C Beer
(P)	GIT N GO STORE #28	3274 E UNIVERSITY AVE	C Beer
(Q)	LA CRUZ #3	3900 E 14TH ST	C Beer
(R)	MACCABEES DELI	1150 POLK BLVD	B Wine
(S)	NAT FOOD MART	1443 2ND AVENUE	C Beer

(T)	PALMERS DELI & MARKET	2843 INGERSOLL AVE	C Liquor
(U)	PLAZA MEXICO MEXICAN	3841 E 14TH ST	C Liquor
(V)	SAMBETTIS	1430 2ND AVE	C Liquor
(W)	SCOOTER & BABS SPORTS	918 E EUCLID AVE	C Liquor
(X)	TOBACCO OUTLET #503	400 EUCLID AVENUE	C Beer

TRANSFER TO NEW LOCATION

- (Y) DEPOT 3000 E GRAND AVE B Beer
 (a) Temporary transfer to Cattle Barn from February 12-18, 2008 for the Beef Expo.

SPECIAL EVENTS APPLICATIONS

- (Z) BALLET DES MOINES 504 E LOCUST ST Five (5) Day License
 (1) Class C Liquor License in conjunction with Chocolate Affair on February 1, 2008. Pending approval of Vice, Building, Electrical, Fire and Zoning Departments.
- (AA) SKYWALK GOLF 19TH HOLE 555 WALNUT ST Five (5) Day License
 (1) Class B Beer License for Skywalk Golf Open, February 9, 2008 at the Kaleidoscope at the Hub.

~~5. [City](#) Clerk to issue Cigarette Licenses.~~

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

PUBLIC IMPROVEMENTS

7. Approving residential paving on portions of SW 5th Street from Broad Street to Virginia Avenue, E. 21st Street from Milton Avenue to dead end north, and Maine Street from University Avenue to Indiana Avenue:

- (A) [Communication](#) from City Manager recommending proposed street paving using special assessments.

[\(Council Communication No. 08-043\)](#)

(B) [Preliminary](#) resolution for construction.

(C) [Fixing](#) values of lots.

(D) [Adopting](#) preliminary plat and schedule, estimate of costs and proposed plans and specifications.

(E) [Proposed](#) Resolution of Necessity, Notice to property owners of Hearing and Setting Date of Hearing, (2-25-08).

8. [Approving](#) Private Construction Contract between Elder Corporation and Greater Des Moines Habitat for Humanity for storm sewer improvements in E. 33rd Street and Dubuque Avenue, \$15,000.
9. [Communication](#) from Rochon Corporation of Iowa, Inc. requesting permission to sublet certain items on M. L. King Jr. Park Shelter & Congregate Meal Site public improvement project.
10. Approving completion and recommending acceptance of the following Private Construction Contracts:
 - (A) [McAninch](#) Corporation and Jerry's Homes, Inc. for sanitary sewer improvements, Carman Estates Plat 6 – Phase 1.
 - (B) [Elder](#) Corporation and Des Moines Independent Community School District for storm sewer improvements, 5912 University Avenue.
 - (C) [CAC](#) Incorporated and Hubbell Realty Company for storm sewer improvements, 1250 31st Street.
 - (D) [Elder](#) Corporation and East Village Square Apartments L.P. for storm sewer improvements, East Village Square Apartments.
 - (E) [Eco-Tech](#) Construction, LLC and Savannah Homes for storm sewer improvements, Sawyers Landing Phase 2.
 - (F) [Eco-Tech](#) Construction, LLC and Savannah Homes for paving improvements, Sawyers Landing Phase 2.
 - (G) [Elder](#) Corporation and Bullseye Investments, LLC for street improvements, SE 14th Street at McKinley Avenue.
 - (H) [Neumann](#) Brothers, Inc. and Des Moines Independent Community School District for paving improvements, 2820 E. 24th Street.
 - (I) [Eco-Tech](#) Construction, LLC and Court Avenue Child Care LLC for alley paving improvements, 1408 E. Court Avenue.
 - (J) [The](#) Weitz Company, LLC and Drake University for paving improvements, Clark Street at 28th Street.
11. [Accepting](#) completed construction and approving final payment for Crivaro Park & Bates Park Playground Improvements, Rocky Hurst Construction.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for cost of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2008-02.
13. [Approving](#) deletion of NAC-Emergency Assessments at various locations.
14. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for December 2007.
15. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for December 2007.

LAND/PROPERTY TRANSACTIONS

16. [Approving](#) acceptance of real estate documents for property located at 2525 Delaware Avenue from Oscar A. Carlson.
17. NUMBER NOT USED.
18. [Approving](#) acceptance of real estate documents for property located in vicinity of E. 33rd Street and Dubuque Avenue from Habitat for Humanity, Inc.
19. [Establishing](#) fair market value for multiple properties for the Southeast Connector Project-SW 2nd Street to SE 6th Street Phase.

[\(Council Communication No. 08-042\)](#)

20. [Release](#) of Subdivision Bond No. IAC 35078 from Merchants Bonding Company in amount of \$4,668 as security for completion of required sidewalk improvements for Park Place Estates Plat 2.

[\(Council Communication No. 08-030\)](#)

21. [Release](#) of Subdivision Bond No. IAC 5432 from Merchants Bonding Company in amount of \$21,929 as security for completion of required sidewalk improvements for Southern Woods Plat No. 1.

[\(Council Communication No. 08-031\)](#)

22. [Approving](#) termination of lease agreement and release of easement for ingress and egress in a portion of vacated north/south alley in the vicinity of 309 Court Avenue.

([Council Communication No. 08-038](#))

23. [Approving](#) tax abatement applications (208) for additional value added by improvements made during 2007.

([Council Communication No. 08-029](#))

BOARDS/COMMISSIONS/NEIGHBORHOODS

24. [Recommendation](#) from Mayor Frank Cownie to reappoint Council Member Bob Mahaffey to the Aging Resources of Central Iowa Board, for a one-year term commencing January 1, 2008 to expire December 31, 2008.
25. [Communication](#) from William Horstman advising of his resignation from the Housing Appeals Board, Seat 2, effective immediately.
26. [Communication](#) from James Martin advising of his resignation from the Plan and Zoning Commission, Seat 15, effective immediately.
 - (A) [Recommendation](#) from Council Member Brian Meyer to appoint Jo Anne Corigliano to the Plan and Zoning Commission, Seat 15, for a five-year term commencing July 1, 2003 to expire July 1, 2008.
27. [Attendance](#) Reports for the various City Boards and Commissions for 2007.

COMMUNICATIONS FROM PLANNING AND ZONING

28. [Regarding](#) recommendation for **DENIAL** of request from SUD Des Moines, LLC, 1165 2nd Avenue, to vacate and convey a portion of 2nd Avenue right-of-way, west of and adjoining the subject property, to allow for inclusion of a 20-foot pylon sign for the central Post Office.
29. [Regarding](#) request from Prairie Hills at Des Moines, LLC for approval of preliminary subdivision plat for “Prairie Hills Des Moines” at 2680 E. Payton Avenue, to allow for 21 single-family lots and a large lot for multiple-family development, subject to conditions.
30. [Regarding](#) request from James Ellis for approval of preliminary subdivision plat for “Deer Ridge Valley”, at 3301 Stanton Avenue, to allow property to be divided into 19 lots for single-family residential development, subject to conditions.

31. [Regarding](#) proposed 2008-1 Omnibus Amendment to the City's Urban Revitalization Plans, extending the duration of all plans for three years, in conformance with the Des Moines' 2020 Community Character Plan.

SETTING DATE OF HEARINGS

32. [On](#) conveyance of vacated east/west High Street right-of-way abutting 3024 High Street to Chinh Dao, \$1, (2-11-08).
33. [On](#) conveyance of underground electric line easement across a portion of 11015 Beardsley Street for WRA Southern Tier Pump Station Project to MidAmerican Energy Company, \$1, (2-11-08).
34. [On](#) conveyance of underground electric line easement across a portion of Glendale Cemetery to MidAmerican Energy Company, \$1, (2-11-08).
35. [On](#) intent to acquire property located at the southwest corner of SE 7th Street and Raccoon Street and authorize acquisition of private property interest from multiple property owners for the SE Connector Project – SE 6th Street to SE 14th Street, (2-11-08).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

36. [Approving](#) additional payment of \$378.59 to Paul Davis Restoration for property damage claim (September 7, 2007) as the result of a sewer backup.
37. [Approving](#) additional payment of \$3,500 to Service Master West for property damage claim (1400 Cummins Parkway) as the result of a sewer backup.
- 37-I [Approving](#) payment of \$16,677.95 to Richard Lyman of the Public Works Department for a worker's compensation claim.
38. [Approving](#) payment of \$8,572 to Hall & Associates for services related to Combined Sewer System and Combined Sewer Overflows related to the NPDES Permit.

CITY MANAGER COMMUNICATIONS

39. [Submitting](#) travel requests for T. M. Franklin Cownie, Cody Christensen, Robert Kraft, Allen McKinley, Julie Ostrander, Diane Rauh, and Tom Turner.

[\(Council Communication No. 08-033\)](#)

APPROVING

- 40. [Des](#) Moines Public Schools request to use skywalk system as fire exit for Walnut Street School.

[\(Council Communication No. 08-039\)](#)

- 41. [Prairie](#) Meadows 2007 Community Betterment Grant Agreement for the Park and Recreation Department’s Woodland Cemetery Restoration Program.

[\(Council Communication No. 08-045\)](#)

- 42. [Pledging](#) contribution to Des Moines Art Center “Hands on Des Moines” Campaign.

[\(Council Communication No. 08-026\)](#)

- 43. [Receive](#) and file Quarterly Treasurer’s Report as of December 31, 2007.

- 44. [Bid](#) from Colorfx for printing of annual performance reports to be used by City Manager’s Office, \$55,063. (nine bids mailed, five received).

- 45. [Civil](#) Service Entrance Lists for Administrative Analyst, Building Specialist, Plumbing Specialist, and Wastewater Maintenance System Specialist, and Promotional List for Fleet Service Master Mechanic II.

- 46. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 21, January 28, and February 4, 2008; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 21, January 28, and February 4, 2008; and to draw checks for the biweekly payroll due February 1, 2008.

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

ORDINANCES - FIRST CONSIDERATION

- 47. [Amending](#) Chapter 78 of the Municipal Code regarding transient merchants and sales of food and merchandise from temporary facilities.

[\(Council Communication No. 08-034\)](#)

- 48. [Amending](#) Chapters 10, 78 and 102 of the Municipal Code regarding permits and licenses for street use, temporary outdoor service, peddlers and transient merchants as related to street use events.

[\(Council Communication No. 08-035\)](#)

COMMUNICATIONS/REPORTS

49. [Request](#) to speak from the Youth Advisory Board.
50. [From](#) Don Beck, 716 62nd Street, to speak regarding Pleasant Drive from 56th Street to 63rd Street being designated as a Snow Route.
51. [Recommendations](#) from Neighborhood Revitalization Board regarding Fairground Neighborhood mediation.

[\(Council Communication No. 08-044\)](#)

***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 52 THRU 57)

52. [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).

[\(Council Communication No. 08-037\)](#)

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

53. [On](#) vacation and conveyance of an air space easement adjoining 707 8th Street to Principal Life Insurance Company for \$30.

[\(Council Communication No. 08-041\)](#)

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

(B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

54. 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 for \$400.

(Council Communication No. 08-040)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
55. On items regarding property at 3915 Fleur Drive, Wakonda Townhomes:
- (A) To amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Park/Open Space to Low/Medium Density Residential.
- (B) Hearing on rezoning from “R1-80” (One Family Residential) to Ltd. “PUD”, subject to conditions.
- (C) First consideration of ordinance above.
- (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
56. 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.
- (A) Authorization for additional actions.
- (B) Authorizing execution and delivery.
57. 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.

(Council Communication No. 08-024)

END HEARINGS AT _____P.M.

CITY MANAGER RECOMMENDATIONS

58. [Communication](#) from the City Manager regarding the land use plans for Sherman Hill Neighborhood in the vicinity of the Kingsway Cathedral at 901 19th Street.

[\(Council Communication No. 08-036\)](#)

59. [Communication](#) from City Manager regarding a request from Vision Fuels Des Moines LLC, represented by Dan Cornelison, CEO for an extension on the time allowed under the Amended and Restated Urban Renewal Agreement for Sale of Land for Private Redevelopment for closing on the purchase of approximately 164 acres of City-owned land located south of Vandalia Road in the SE Agribusiness Park.

[\(Council Communication No. 08-027\)](#)

60. [Preliminary](#) Terms of Agreement with DART Commission for Uniform Regional Funding of Mass Transit Operations and use of City Park and Ride Funds.

APPROVING

61. Recommendations from the City Council Employee Evaluation Sub-Committee regarding the following:
- (A) [City](#) Manager
 - (B) [City](#) Attorney
 - (C) [City](#) Clerk
 - (D) [Human](#) Rights Director

EXTRA ITEMS

These extra items are filed after 5:00 P.M. 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. [Approving](#) execution of Special Warranty Deed to Nelson Development 15, L.L.C. for Disposition Parcel No. 02-3, 230 E. Grand Avenue, in the Metro Center Urban Renewal Project. SPONSOR: Meyer.

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
 - (A) [1670](#) County Line Road, (structure), Titleholder: Easter Lake Estates, Inc.
 - (B) [623](#) SE 6th Street, (structure), Titleholders: Sheila R. Hascall (deceased) and Harvey Hascall, Jr.
 - (C) [4315](#) SE 14th Street, Lot 2, (structure-trailer house), Titleholders: P&H Properties and Phyllis M. Rogers, Contract Buyers: Bonnie and David England.
 - (D) [4315](#) SE 14th Street, Lot 3, (structure-trailer house), Titleholders: P&H Properties and Phyllis M. Rogers, Contract Buyers: Bonnie and David England.
 - (E) [4315](#) SE 14th Street, Lot 17, (structure-trailer house), Titleholders: P&H Properties and Phyllis M. Rogers, Contract Buyers: Bonnie and David England.

COMMUNICATION

2. [Communication](#) regarding demolition cost reserve being held by GAB Robins North America, Inc. for the fire-damaged structure located at 2905 Cleveland.
3. [Communication](#) regarding demolition cost reserve being held by Nationwide Insurance Company for the fire-damaged structure located at 2000 SW 1st Street.

MOTION TO ADJOURN AT _____ P.M.



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