

DES MOINES CITY COUNCIL MEETING

October 22, 2007 4:30 P.M.

PROCLAMATIONS – 4:15 P.M.

National Jazz Month

INVOCATION: Pastor Carol Archer
College Avenue Christian Church
4440 College Avenue

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 36:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	BORDENAROS PIZZA Liquor	6108 SW 9TH ST	C
(B)	DUBAYS Liquor	1229 25TH ST	C
(C)	EL PALOMINO IMPORTS & GROC Beer	3116 E 14TH ST	C
(D)	GRAND VIEW COLLEGE Beer/Wine	1200 GRANDVIEW AVE	C

(E)	MALONEYS	2307 UNIVERSITY AVE	C
	Liquor		
(F)	OKEY DOKEY CAFE	1700 E 27TH ST	C
	Liquor		

RENEWAL APPLICATIONS

(G)	ALDI INC #03	3940 E 14TH STREET	C
	Beer		
(H)	ALDI INC #29	500 E ARMY POST RD	C
	Beer		
(I)	ALDI INC #38	2543 E UNIVERSITY AVE	C
	Beer		
(J)	APEX OIL	1200 SE 30TH ST	C
	Beer		
(K)	DAHLS FOODS	3400 E 33RD ST	E
	Liquor		
(L)	DUDS N SUDS	2629 BEAVER AVE	B
	Beer		
(M)	GIT N GO STORE #6	5736 FRANKLIN AVE	C
	Beer		
(N)	QUIKTRIP #541	2428 HUBBELL AVE	C
	Beer		
(O)	TROPIK RESTAURANT AND BAR	3015 MERLE HAY RD	C
	Liquor		

OUTDOOR SERVICE APPLICATIONS

(P)	AMICI EXPRESSO	206 6TH AVE	C
	Liquor		
	Adding permanent outdoor service area.		

4-I. [Approving](#) Class C Beer/Wine Application for Black Cat Café Bar & Lounge, 3701 Ingersoll Avenue.

5. [Informal](#) Hearing on consideration of renewal of Class E Liquor License with B Wine and C Beer privileges for Plaza Pantry, 300 Walnut, Ste. 150. **(Continued from January 8, 2007 Council Meeting) (Recommendation is to DENY).**

PUBLIC IMPROVEMENTS

6. [Ordering](#) construction of E. 29th Street and Hubbell Avenue Traffic Signal Upgrade – Receiving of bids, (11-6-07), and Setting date of hearing, (11-19-07). (Construction Estimate - \$119,000).

[\(Council Communication No. 07-638\)](#)

7. [Approving](#) Professional Services Agreement with Snyder & Associates for design and construction phase services for the High Street Alignment, not to exceed \$444,500.

[\(Council Communication No. 07-637\)](#)

8. [Authorizing](#) feasibility study and preliminary design of a sanitary sewer from 3200 to 3300 block of Lincoln Avenue.

[\(Council Communication No. 07-628\)](#)

9. [Communication](#) from Johnson Concrete & Petroleum Construction, Inc. requesting permission to sublet certain items on the Blank Park Zoo Snow Monkey Holding and Safari Grill Building public improvement project.

10. Accepting completed construction and approving payment for the following:

- (A) [Western](#) Waterproofing Co., Inc. – Birdland Swimming Pool Building Exterior Replacement.
- (B) [Azcon](#), Inc. – Sayers Park Restroom Renovation.

SPECIAL ASSESSMENTS

11. [Resolution](#) levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2007-16.
12. [Approving](#) deletion of NAC-Emergency Assessments at various locations.
13. Approving the following for September 2007:

- (A) [Delinquent](#) Sewer Rental and/or Solid Waste/Stormwater Utility Credits.
- (B) [Delinquent](#) Sewer Rental and/or Solid Waste/Stormwater Utility Fees.

LAND/PROPERTY TRANSACTIONS

- 14. [Approving](#) real estate documents from the Des Moines Water Works for the Martin Luther King, Jr. Parkway Project – East/West Segment.
- 15. [Establishing](#) fair market value and authorizing acquisition of property at 1512 13th Street for the Forest Avenue Urban Renewal Project.

[\(Council Communication No. 07-636\)](#)

- 16. [Approving](#) tax abatement applications (65) for additional value added by improvements made during 2007.

[\(Council Communication No. 07-631\)](#)

- 17. [Acceptance](#) of Planned Unit Development (PUD) Restoration Bond for Deer Ridge V Apartments, 6000 Creston Avenue.

[\(Council Communication No. 07-625\)](#)

COMMUNICATIONS FROM PLANNING AND ZONING

- 18. [Regarding](#) a Tree Preservation/Management Ordinance.

SETTING DATE OF HEARINGS

- 19. [On](#) request from Mora, Inc. to rezone property at 1434 Des Moines street from “C-1” (Neighborhood Retail Commercial) to Limited “C-2” (General Retail and Highway Oriented Commercial) to allow for conversion of retail space to a billiard parlor, subject to conditions, (11-5-07).
- 20. [On](#) vacation and conveyance of the east/west alley right-of-way adjoining 2112 Woodland Avenue to Freedom Financial Bank, \$2,400, (11-5-07).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. [Approving](#) payment of \$2,227.82 to Ahlers & Cooney Law Firm for Environmental Legal Service for the SE Connector Project.
22. [Approving](#) payment of \$28,074.46 to Jim Milligan for a workers' compensation claim.
23. [Approving](#) payment of \$22,696.17 to Troy Bemisdarfer for a workers' compensation claim.

CITY MANAGER COMMUNICATIONS

24. [Submitting](#) travel requests for Angela Dierenfeld, Sandy Roozeboom and Tom Vlassis.

[\(Council Communication No. 07-645\)](#)

APPROVING

25. [Supportive](#) Housing Program (SHP) Grant Agreement with the United States Department of Housing and Urban Development (HUD).

[\(Council Communication No. 07-626\)](#)

26. [Consent](#) to Sale and Partial Release regarding the Urban Renewal Agreement with East Village Partners, LLC for redevelopment of 412 and 418 E. Locust Street.

[\(Council Communication No. 07-644\)](#)

27. [Authorizing](#) submittal of STP and STP-PE Fund FY 2012 Applications to the Des Moines Metropolitan Planning Organization.

[\(Council Communication No. 07-629\)](#)

28. [2007](#) Community Oriented Policing Methamphetamine Initiative Grant Award commencing September 1, 2007 through August 31, 2009.

[\(Council Communication No. 07-624\)](#)

29. [Fiscal](#) Year 2007 Federal Annual Certification Report and Revised Fiscal Year 2006 Annual Certification Report to the U.S. Department of Justice acknowledging compliance with federal forfeiture guidelines.

[\(Council Communication No. 07-619\)](#)

30. [Acceptance](#) of Department of Justice, 2007 COPS Secure Our Schools Award for a two-year period 9-1-2007 through 8-31-09 to bring state-of-the-art security systems to Des Moines schools.

[\(Council Communication No. 07-620\)](#)

31. [Petitioning](#) Iowa Department of Economic Development for re-certification of Des Moines Agribusiness Enterprise Zone (formerly EZ-1).

[\(Council Communication No. 07-621\)](#)

32. [Application](#) from Wellmark, Inc. to Iowa Department of Economic Development for Enterprise Zone Benefits for a project in the Gateway Enterprise Zone.

[\(Council Communication No. 07-623\)](#)

33. [Receipt](#) of Quarterly Treasurer's Report as of September 30, 2007.

34. Bids from the following:

- (A) [Vital](#) Support Systems for Hewlett Packard enterprise Storage Area Network (SAN) equipment to be used by the IT Department, \$499,536.96 (Seven bids mailed, two received).

[\(Council Communication No. 07-646\)](#)

- (B) [Jerico](#) Services for deicing chemicals to be used by the Public Works Department, estimated cost \$41,000. (Fourteen bids mailed, six received).

[\(Council Communication No. 07-627\)](#)

- (C) [Larson](#) Davis, sole area wide distributor, for six (6) sound meters to be used by Patrol Watches and Neighborhood Based Service Delivery Section of the Police Department, \$26,310.

- (D) [WahlTek](#) Inc., sole area wide distributor, for enhancements to existing Audiolog voice recording equipment used by the Police Department in the 911 Communications Center, \$47,075.

35. [Civil](#) Service Entrance Lists for Information Technology Network Engineer, Information Technology Systems Analyst/Programmer, Payroll and Benefits Analyst, Plans Examiner, and Compensation Specialist.
36. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 22 and October 29, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 22 and October 29, 2007; and to draw checks for bi-weekly payroll due October 26, 2007.

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

ORDINANCES - FIRST CONSIDERATION

37. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Designation of a Three-Way Stop Intersection-Guthrie Avenue and North Union Street.
 - (B) Parking Restriction – West side of 27th Street, north of Carpenter Avenue.

[\(Council Communication No. 07-630\)](#)

COUNCIL REQUESTS

38. [Request](#) from Council Member Brian Meyer to speak regarding placing a stop sign at SE 34th Street and Easter Lake Drive.

COMMUNICATIONS/REPORTS

39. [From](#) Michael Harden, 3701 6th Avenue, to speak regarding Highland Park improvements.

***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 40 THRU 51)

40. [On](#) appeal from Sarah Amberson, 1816 Pleasant Street, regarding Administrative Hearing Officer's decision on impounded vehicle.
41. [On](#) appeal from Tony Lemmo, 1220 SW Creston Avenue, regarding Administrative Hearing Officer's decision on impounded vehicle.
42. [On](#) proposed Amended and Restated Urban Renewal Agreement for Sale of Land for Private Redevelopment to Vision Fuels Des Moines, L.L.C. (SE Agribusiness Park-Disposition Parcel No. 1).

[\(Council Communication No. 07-643\)](#)

43. [On](#) Voluntary Annexation Application from Darlene A. Fini for property between NE 38th Avenue (E. Douglas Avenue) and NE 30th Place and west of NE 56th, includes additional property added without the owners consent to avoid the creation of an island.

[\(Council Communication No. 07-632\)](#)

44. [On](#) vacation and conveyance of a portion of SE 1st Street right-of-way, along with conveyance of a segment of previously vacated Monroe Street, all adjoining 1306 SE 1st Street, to 1306 Diamond View, LLC, \$7,610.

[\(Council Communication No. 07-634\)](#)

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

45. [On](#) vacation and conveyance of an encroachment easement and air space easement, to allow for encroachment of the building at 600 E. Grand Avenue, to Rescare, Inc., \$636.

[\(Council Communication No. 07-635\)](#)

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

- (B) [Final](#) consideration of ordinance above, (waiver requested by the applicant), requires 6 votes.
46. Items regarding property at 1455-2nd Place and 218 Clark Street, Central City Liquors, **(To be continued to November 5, 2007 at 5:00 P.M. at the request of the applicant):**
- (A) ~~[Amending](#) the Des Moines 2020 Community Character Land Use Plan future land use designation, from Low Density Residential to General Industrial.~~
- (B) [Hearing](#) on rezoning the property from “R1-60” (One-Family Low-Density Residential) to “M-1” (Light Industrial) to allow for construction of a 3,000–square foot commercial/industrial structure and associated parking, subject to conditions. **(Continued from October 8, 2007 Council meeting)**
- (C) ~~[First](#) consideration of ordinance above.~~
- (D) ~~[Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.~~
47. Items regarding property at 6001 Indianola Avenue:
- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designations.
- (B) [Hearing](#) on request from LeMar Koethe to rezone the property from “R1-80” (One-Family Residential) to Ltd. “C-1” (Neighborhood Retail Commercial), Limited “R-3” (Multiple-Family Residential) and Ltd. “R1-70” (One-Family Low Density Residential) to allow for a large scale mixed use development, subject to conditions.
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above (waiver requested by applicant), requires 6 votes.
48. [On](#) request from Evangel Retirement Homes, Inc. to rezone property at 2600 Hubbell Avenue and 2131 E. 25th Street from “R-3” (Multiple-Family Residential) and “FW” (Floodway) to “PUD” (Planned Unit Development) and

for approval of PUD Conceptual Plan for “Valley View Village” to allow redevelopment of existing retirement community in a phased master plan approach including addition of new independent apartments, assisted living apartments, catered living, and brownstone townhomes to replace existing independent cottages, custodial living, and skilled units, subject to conditions.

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

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

49. [On](#) request from James Ellis to rezone property at 6260 SE 19th Street from “R1-80” (One-Family Residential) to Limited “C-2” (General Retail and Highway Oriented Commercial) to allow redevelopment of property for mini-warehouse use, subject to conditions.

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

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

50. [On](#) Dean’s Lake Storm Water Pump Station: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Herberger Construction Co., Inc., (Dean Herberger, President), \$2,544,865.

[\(Council Communication No. 07-639\)](#)

(A) [Approving](#) contract and bond and permission to sublet.

51. [On](#) Skywalks 11D-12D, 12th Street, north of Walnut & 11C-12B, 12th Mulberry Streets, at Allied: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Neumann Brothers, Inc., (Marshall G. Linn III, President), \$1,664,000.

[\(Council Communication No. 07-640\)](#)

(A) [Approving](#) contract and bond and permission to sublet.

END HEARINGS AT _____ P.M.

APPROVING

52. Applications to Iowa Housing Finance Authority requesting low income housing tax credits for the following:
- (A) [Equities](#), L.L.C. for rehabilitation of 48 units of low-income housing at 202 4th Street, 407-409 Court Avenue, 206-208 4th Street, Randolph Hotel and adjacent buildings.
 - (B) [Oakridge](#) Neighborhood Associates, L.P. for rehabilitation of 150 units of low-income family housing at 15th and Oakridge Drive.
 - (C) [MDI](#) Limited Partnership #86 for development of 30 units of mixed-income Artist Housing, 1440 Walnut, The Crane Building.
 - (D) [Preservation](#) Rose, L.L.L.P. for rehabilitation of 14 units of scattered site single family housing for The Renter to Ownership Savings Equity (ROSE) Program.
 - (E) [Metro](#) Lofts, L.P. for new construction of mixed income housing at 255 Vine Street.
 - (F) [YMCA](#) for new construction of 150 units of low income housing at 2715 Dean Avenue.
 - (G) [Akers](#) Holding, LLC, for new construction of 57 units of low-income senior housing, between 5th and 6th Streets on S.W. Army Post Road.
 - (H) [Denial](#) of support for Chestnut Hills II, L.L.C. for new construction of 44 units of low-income family housing at the southeast corner of 10th and Chestnut.

[\(Council Communication No. 07-642\)](#)

53. [Intergovernmental](#) 28E Agreement with Polk County Conservation Board for Wetlands Mitigation for the American Discovery Trail, Walnut Creek Connection.

[\(Council Communication No. 04-633\)](#)

54. [Rescinding](#) the Urban Renewal Development Agreement with High Land Co., L.C. for development of the Ingersoll Square residential condominium project,

east of Martin Luther King Jr. Parkway, and between Ingersoll Avenue and High Street.

[\(Council Communication No. 07-622\)](#)

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) [2120](#) Capitol Avenue (garage), Titleholder: John L. Davis, Mortgage Holder: Wells Fargo Bank Iowa, National Association.
 - (B) [2544](#) Capitol Avenue (garage), Titleholder: Annie L. Myers.

2. [Request](#) to Council by Titleholder Steven J. Addy for extension of time to complete renovation of the public nuisance structure at 401 Forest Avenue.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003