

# DES MOINES CITY COUNCIL MEETING

December 22, 2008 4:30 P.M.

## PROCLAMATIONS – 4:15 P.M.

Universal Hour of Peace

**INVOCATION:** Reverend Irvin Lewis  
King of Kings Missionary Baptist Church  
619 SE 15th Street

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 37:

## LICENSES AND PERMITS

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

### NEW APPLICATIONS

(A)	ALL PLAY	615 3RD ST	C Liquor
(B)	CHIANTI	207 4TH ST	B Beer
(C)	KUM & GO #4110	2110 GUTHRIE AVE	C Beer
(D)	LA TAPATIA	1440 DES MOINES ST	C Beer
<del>(E)</del>	<del>LA TAPATIA 2</del>	<del>3504 MERLE HAY RD</del>	<del>C Beer</del>
(F)	LA TAPATIA 3	4007 SE 13TH ST	C Beer

### RENEWAL APPLICATIONS

(G)	801 STEAK AND CHOP HOUSE	801 GRAND AVE	C Liquor
(H)	ALLIED INSURANCE	1100 LOCUST ST	C Liquor
(I)	CASEYS GENERAL STORE #2322	4331 PARK AVE	C Beer
(J)	CHRISTOPHERS DINING ROOM	2816 BEAVER AVE	C Liquor
(K)	CIVIC CENTER	1011 LOCUST ST	C Liquor
(L)	DAHLS FOODS	1320 E EUCLID AVE	E Liquor

(M)	DAHLS FOODS	1819 BEAVER AVE	E Liquor
(N)	DAWG HOUSE	2301 HUBBELL AVE	C Liquor
(O)	GIT N GO STORE #2	1307 ARMY POST RD	C Beer
(P)	GIT N GO STORE #24	1142 42ND ST	C Beer
(Q)	GIT N GO STORE #29	4900 URBANDALE	C Beer
(R)	KUM & GO #207	4200 HUBBELL AVE	C Beer
(S)	KUM & GO #208	3200 SE 14TH ST	C Beer
(T)	KUM & GO #2722	2211 UNIVERSITY	C Beer
(U)	KUM & GO #2731	3104 UNIVERSITY	C Beer
(V)	KUM & GO #552	4944 DOUGLAS AVE	C Beer
(W)	MEZZODIS	4519 FLEUR DR	C Liquor
(X)	MIYABI 9	512 E GRAND AVE	C Beer/Wine
(Y)	NOW OR LATER RESTAURANT	3750 E UNIVERSITY	C Liquor
(Z)	SMOKEYS TRIANGLE TAP	2506 POST	C Liquor
(AA)	TAVERN SOUTH PIZZA & PASTA	1106 ARMY POST RD	C Beer/Wine

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

## **PUBLIC IMPROVEMENTS**

7. [Ordering](#) construction of Pleasant Drive Bridge over Cummins Creek – Receiving of bids, (1-27-09), and Setting date of hearing, (2-9-09). (Construction Estimate - \$1,016,787.25).  
([Council Communication No. 08-752](#))
8. [Approving](#) Professional Services Agreement with HDR Engineering, Inc. for Tonawanda Ravines Improvement Study, not to exceed \$36,500.  
([Council Communication No. 08-749](#))
9. Items regarding the Principal Riverwalk:
  - (A) [Approving](#) Change Order No. 7, with Cramer and Associates, Inc., for additional work on the Center Street Pedestrian Bridge, not to exceed \$94,574.  
([Council Communication No. 08-748](#))
  - (B) [Approving](#) extension of time on the Center Street Pedestrian Bridge, to April 1, 2009.  
([Council Communication No. 08-747](#))
  - (C) [Approving](#) Permanent Closure of a portion of West River Drive at 2<sup>nd</sup> Avenue.  
([Council Communication No. 08-750](#))

10. Accepting completed construction and approving final payment for the following:
  - (A) [ADA](#) Phase 1 Exterior Improvements – T K Concrete, Inc.
  - (B) [2005](#) Storm Sewer Lining Program – Contract 1 – Municipal Pipe Tool Co., Inc.
  - (C) [2007](#) Designated Neighborhood Sidewalk Replacement – Contract 2 – Castle Concrete Services, Inc.
  - (D) [2008](#) Sidewalk Replacement Program – Ti-Zack Concrete, Inc.
  - (E) [2008-09](#) Sidewalk Program – Ti-Zack Concrete, Inc.

### **SPECIAL ASSESSMENTS**

11. Levying assessments for cost of Nuisance Abatement-NAC Emergency Orders for the following:
  - (A) [Public](#) Works Schedule 2008-18.
  - (B) [Community](#) Development Schedule No. 2008-17.
12. [Approving](#) deletion of NAC-Emergency Assessment at 3701 Cornell St.
13. [Approving](#) delinquent sewer rental and/or solid waste/stormwater utility fees for November 2008.
14. [Approving](#) delinquent sewer rental and/or sold waste/stormwater utility credits for November 2008.

### **LAND/PROPERTY TRANSACTIONS**

15. [Approving](#) 129 Tax Abatement applications for the additional value added by improvements made during 2008.

[\(Council Communication No. 08-738\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

16. [Communication](#) from Mark Dinges advising of his resignation from the Access Advisory Board, Seat 11, effective immediately.
17. [Communication](#) from Wayne Graham advising of his resignation from the Civil Service Commission, Seat 2, effective April 1, 2009.

## **SETTING DATE OF HEARINGS**

18. [On](#) vacation and conveyance of a segment of the east/west alley and a segment of the north/south alley between 24<sup>th</sup> and 25<sup>th</sup> Streets, north of Rollins Avenue and south of Interstate 235 to R. M. Madden Construction Inc., \$275, (1-5-09).
19. [On](#) intent to acquire property for recreational trail purposes and authorize acquisition of the necessary property for the Waveland Trail, Phase 1 Project, (1-5-09).

## **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

20. [Approving](#) payment of \$7,522.45 to Thomas Beschen for a property damage claim as the result of a sewer backup.
21. [Approving](#) payment of \$23,313.82 to Robert Cramer for a workers' compensation claim.
22. [Approving](#) payment of \$97,926.65 to Debra Howser for a workers' compensation claim.

## **CITY MANAGER COMMUNICATIONS**

23. [Submitting](#) training requests for Colin Boone, Tonia Fairbanks, Allen McKinley and Jeff Morton.

[\(Council Communication No. 08-744\)](#)

## APPROVING

24. Applications for Enterprise Zone Benefits for housing projects in the Des Moines Gateway Enterprise Zone for the following:

[\(Council Communication No. 08-743\)](#)

- (A) [Riverpoint](#) I, LLC for construction of 91 units at 309 SW 8<sup>th</sup> Street.
- (B) [ND 25 SW 5<sup>th</sup>](#), LLC for construction of 70 units at 328 SW 5<sup>th</sup> Street.
- (C) [Rumely](#) Lofts, LP for construction of 66 units at 104 SW 4<sup>th</sup> Street.
- (D) [Rocket](#) Transfer I, LLC for construction of 58 units at 702 Elm Street and 330 SW 7<sup>th</sup> Street.

25. Applications submitted by Hubbell Realty Company to Iowa Housing Finance Authority requesting low-income housing tax credits for the following:

[\(Council Communication No. 08-751\)](#)

- (A) [Development](#) of 58 units of affordable housing at 330 SW 7<sup>th</sup> Street, The Rocket Transfer Lofts.
- (B) [Development](#) of 91 units of affordable housing at 309 SW 8<sup>th</sup> Street, River Point Lofts.

26. [Preliminary](#) approval for a \$165,000 Loan to Stickel Enterprises, LLC for economic development project at 2925 Ingersoll Avenue.

[\(Council Communication No. 08-742\)](#)

27. [Amendment](#) No. 2 to the FY2006 Law Enforcement Terrorism Prevention Program Grant with Iowa Homeland Security and Emergency Management Division (HLSEM) to extend the performance period from 12-31-08 to 03-31-09.

[\(Council Communication No. 08-737\)](#)

28. [Receipt](#) of proposed Airport Board Regulation No. 08-58, Minimum Standards for Ground Service Equipment Maintenance Operators.

29. [Acceptance](#) of Iowa Department of Natural Resources Playground Safe Surfacing Initiative Grant and Grant Agreement.

[\(Council Communication No. 08-756\)](#)

30. [Des](#) Moines Fire Department and University of Iowa Hospitals and Clinics Emergency Services Clinical/Field Affiliation Agreement.

[\(Council Communication No. 08-757\)](#)

31. [Execution](#) of a 28E Agreement with the City of Norwalk for joint maintenance of joint boundary streets.

[\(Council Communication No. 08-740\)](#)

32. [Acceptance](#) of donation of “Ears of Joy” Sculpture from Barbara and Michael Gartner for display at Principal Park.

[\(Council Communication No. 08-739\)](#)

33. [Amendment](#) to Schematic Plan for John and Mary Pappajohn Sculpture Park.

[\(Council Communication No. 08-745\)](#)

34. [Bid](#) from GBA Master Series for procurement of annual maintenance and support for GBA Master Series sewer infrastructure management systems software to be used by the Public Works Department, \$26,640.

[\(Council Communication No. 08-741\)](#)

35. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 22 and December 29, 2008; to draw checks for bills of the Des Moines Municipal Housing Agency for the week of December 22, 2008; and to draw checks for bi-weekly payroll due January 2, 2009.

**ORDINANCES - FINAL CONSIDERATION**

36. [Amending](#) Chapter 90 of the City Code regarding the powers and duties of the Public Housing Board regarding purchasing and procurement powers.

37. [On](#) rezoning of property at 1930 Indianola Avenue, from “C-1” (Neighborhood Retail Commercial) to Ltd. “C-2” (General Retail and Highway Oriented Commercial), subject to conditions.

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

## APPROVING

38. [Communication](#) from the City Manager regarding a recommended process and timeline for the site selection, building project and appropriate support services for the Central Iowa Shelter and Services Project on Keo Way, for referral to the Plan and Zoning for a recommendation.

[\(Council Communication No. 08-758\)](#)

39. [Accepting](#) proposal from C Corporation for the management of Grandview and Waveland Municipal Golf Courses, and authorizing the City Manager to negotiate an agreement.

[\(Council Communication No. 08-753\)](#)

- (A) [Request](#) from citizens to speak regarding the Golf Course Request for Proposals (RFP).

## ORDINANCES - FIRST CONSIDERATION

40. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

- (A) Removal of one parking meter at the intersection of E. 6<sup>th</sup> and E. Walnut.
- (B) Decrease the length of “Municipal Employee Parking Only” along the north side of E. Grand Avenue, east of Robert D Ray Drive.

[\(Council Communication No. 08-746\)](#)

## COMMUNICATIONS/REPORTS

41. [From](#) Mary Ann Aguilar-Gomez, 714 SE 10<sup>th</sup> Street, requesting to speak regarding release of a lien on her flood-damaged home.

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 42 THRU 45)

42. [On](#) request from Savannah Homes, Inc. to amend the Silver Leaf PUD Conceptual Plan for 5100 NE 38<sup>th</sup> Avenue to allow reconfiguration of the street, alley and lot layout, including an increase in number of lots from 131 to 158, (continued from November 24, 2008) **and to continue to January 5, 2009 at 5:00 PM.**

43. On application from Daniel Owen d/b/a Owen Auto, for relief from temporary moratorium on vehicle display lots:

[\(Council Communication No. 08-755\)](#)

- (A) [Resolution](#) to approve.
- (B) [Resolution](#) to deny.

44. [On](#) Proposed Ninth Amendment to the Metro Center Urban Renewal Plan to identify improvements to the Civic Center of Greater Des Moines as eligible for economic development grant assistance and designate a parcel of property generally located at 201 E. Locust for potential acquisition funded with tax increment revenues.

[\(Council Communication No. 08-754\)](#)

- (A) [Recommendation](#) from Plan and Zoning Commission finding the amendment in conformance with the Des Moines 2020 Community Character Plan.
- (B) [Urban](#) Renewal Development Grant Agreement with the Civic Center of Greater Des Moines for costs related to the construction and installation of improvements to the Civic Center, \$500,000.

[\(Council Communication No. 08-736\)](#)

45. [On](#) conveyance of vacated portion of north/south alley adjoining 1535 29<sup>th</sup> Street to Denis and Nancy Wolf-Keith, \$100, and to **continue to January 5, 2009 at 5:00 PM.**

**\*\*END HEARINGS AT \_\_\_\_\_ P.M.\*\***



**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. Resolution approving preliminary terms of agreement with Central Wire and Iron for acquisition of property at 401 SE 4<sup>th</sup> Street and purchase of property in the Guthrie Avenue Business Park.

(Council Communication No. 08-759)

MOTION TO ADJOURN AT \_\_\_\_\_ P.M.



All-America City  
1949 1976 1981 2003