



***** 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 '07-' 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

**November 5, 2007
4:30 P.M.**

INVOCATION: Pastor Loren Strait
Glen Echo Christian Church
4323 Douglas Avenue

- [07-2104](#) 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer, and Vlassis.**
- [07-2105](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

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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.**

- [07-2106](#) 3. APPROVING CONSENT AGENDA – items 3 through 27-I: **Moved by Kiernan to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

[07-2107](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved Kiernan to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

- | | | | |
|-----|--------------------------|---------------------|----------|
| (A) | FLAVORS OF INDIA | 520 ARMY POST RD | C Liquor |
| (B) | GIT N GO STORE #19 | 9536 COUNTY LINE RD | C Beer |
| (C) | JESSES EMBERS | 3301 INGERSOLL AVE | C Liquor |
| (D) | KAMODO KLUB SAKE N SUSHI | 214 3RD ST | C Liquor |
| (E) | DUBLIN | 2307 UNIVERSITY AVE | C Liquor |

RENEWAL APPLICATIONS

- | | | | |
|----------------|----------------------|-----------------------------|---------------------|
| (F) | AMICI EXPRESSO | 206 6TH AVE | C Liquor |
| (G) | EL CORITA | 1541 E GRAND AVE | C Liquor |
| (H) | FLEUR WINE & ALE | 4521 FLEUR DR | E Liquor |
| (I) | JEANNIES BOTTLE | 3839 MERLE HAY RD | C Liquor |
| (J) | RUSTYS | 2565 WEDGEWOOD RD | C Liquor |
| (K) | SUPER QUICK | 303 SE 30TH ST | C Beer |

TRANSFER TO NEW LOCATION

- | | | | |
|-----|---|-----------------|----------|
| (L) | JOESEPPES | 1930 SE 14TH ST | C Liquor |
| | Permanent transfer from 1500 SE 1 st Street. | | |

OUTDOOR SERVICE APPLICATIONS

- | | | | |
|----------------|--|----------------------------|---------------------|
| (M) | KELLEYS ON BEAVER | 3606 BEAVER AVE | C Liquor |
| | Adding permanent outdoor service area. | | |

[07-2108](#)

- 4-I. Approving Five Day Class C Beer/Wine License for Sodexo d/b/a Drake University for a special event to be held at Harmon Fine Arts Building, 1309 26th Street. **Moved Kiernan to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

[07-2109](#)

- (A) [Court](#) Avenue Streetscape Rehabilitation – Receiving of bids, (11-20-07), and Set date of hearing, (12-3-07). (Construction Estimate - \$719,412.50). ([Cou Communication No. 07-663](#)) **Moved by Kiernan to adopt. Motion Carried 7-0**

[07-2110](#)

- (B) [American](#) Discovery Trail Wetlands Mitigation – Receiving of bids, (11-20-07),

Setting date of hearing, (12-3-07). (Construction Estimate - \$215,000). ([Council Communication No. 07-667](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

- [07-2111](#) (C) [Police](#) Station Emergency Generator – Receiving of bids, (12-4-07), and Setting of hearing, (12-17-07). (Construction Estimate - \$650,000). ([Council Communication No. 07-665](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-2112](#) 6. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for “Safe Routes To School” (SRTS)-Enhanced School Crossings at Signalized Intersections. ([Council Communication No. 07-658](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-2113](#) 7. [Approving](#) Professional Services Agreement with Calhoun-Burns & Associates for design of the Fleur Drive Planters, not to exceed \$38,051.20. ([Council Communication No. 07-660](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-2114](#) 8. [Communication](#) from Cramer and Associates, Inc. requesting permission to sublet certain items on the Center Street Pedestrian Bridge (Riverwalk). **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-2115](#) 9. [Accepting](#) completed construction and approving payment for The Underground Company Ltd. for the 2007 Sanitary /Storm Manhole and Intake Repair. **Moved by Kiernan to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

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

- [07-2116](#) (A) [2040](#) Capitol Avenue. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-2117](#) (B) [4015](#) South Union Street. **Moved by Kiernan to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [07-2118](#) 11. [Approving](#) real estate documents for property at 5531 McKinley Avenue from John W. Debra A. Croft for the Airport Runway 13R/31L Project. ([Council Communication No. 07-662](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

[07-2119](#)

12. [Recommendation](#) from Council Member Bob Mahaffey to reappoint Gerald James II to the Des Moines Music Commission, Seat 5, for a two-year term commencing July 1, 2007, to expire July 1, 2009. **Moved by Kiernan to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

[07-2120](#)

13. [On](#) request from Vision Fuels Des Moines, LLC to rezone property located in the 3800 block of Vandalia Road from "M-1" (Light Industrial) to "PUD" (Planned Unit Development) and approve revised "Vision Fuels" PUD Conceptual Plan for 165 acre land to be developed with light industrial and limited heavy industrial uses including development and production of renewable fuels such as dry mill Ethanol, (11-19-07). **Moved by Kiernan to adopt. Motion Carried 6-1. Nays: Cownie.**

[07-2121](#)

14. [On](#) request from A & C Properties to rezone property located at 4444 Douglas Avenue from "R1-60" (One-Family Low-Density Residential) and "C-2" (General Retail Highway Oriented Commercial) to "PUD" (Planned Unit Development) and approve PUD Conceptual Plan, "Beaverdale Hy-Vee", to allow for redevelopment of property for supermarket with off-street parking, (11-19-07). **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-2122](#)

15. [On](#) conveyance of north ½ of the vacated east/west alley right-of-way adjoining 2 Kinsey Avenue to Robert and Barbara Henderson, \$25, (11-19-07). **Moved by Kiernan to adopt. Motion Carried 7-0.**

[07-2123](#)

16. [On](#) vacation and conveyance of portions of E. Walnut Street and E. 30th Court adjoining the Iowa State Fairgrounds, to the State of Iowa, \$5,000, (11-19-07). **Moved by Kiernan to adopt. Motion Carried 7-0.**

[07-2124](#)

17. [On](#) request from Sherman Hill Association for a Zoning Ordinance text amendment to allow the Board of Adjustment to grant exceptions to the residency requirement regarding commercial uses in "R-HD" Residential Historic District, (11-19-07). **Moved by Kiernan to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[07-2125](#)

18. [Approving](#) payment of \$189.40 to Myers & Jenkins Law Firm for representation in UAL Corporation, ATA Holdings Corp., Delta Air Lines, Inc., et.al. (Comair, Inc.) Northwest Airlines Corporation, et.al. bankruptcies. **Moved by Kiernan to adopt. Motion Carried 7-0.**

[07-2126](#)

19. [Approving](#) payment of \$4,000 to Desirae Grandmaitre as a result of an automob

accident. **Moved by Kiernan to adopt. Motion Carried 7-0.**

- [07-2127](#) 20. [Approving](#) payment of \$5,988.75 to Gene Ramirez for a workers' compensation claim. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-2128](#) 21. [Approving](#) payment of \$9,198.25 to Hall & Associates for services related to the combined sewer system and combined sewer overflows related to the NPDES Permit. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-2129](#) 22. [Approving](#) payment of \$25,000 to Robyn H. Falk as a result of a fall at the Police Department building. **Moved by Kiernan to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [07-2130](#) 23. [Submitting](#) travel requests for Tim Briggs. ([Council Communication No. 07-664](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

APPROVING

- [07-2131](#) 24. [Lease](#) Agreements with Polk County for use of Archie Brooks, Chesterfield, Logan, Scott Four Mile Community Centers for congregate meal sites, and for office space at Logan Community Center. ([Council Communication No. 07-656](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-2132](#) 25. [Communication](#) from Iowa Events Center requesting permission to place a temporary banner on the southeast corner of Wells Fargo Arena in association with sporting events held at the arena, to remain through May 2008. **Moved by Kiernan to adopt. Motion Carried 7-0.**
26. Bids from the following:
- [07-2133](#) (A) [Minneapolis](#) Asphalt Systems for high performance asphalt cold mix for use by the Public Works Department, \$84,000. (Seven bids mailed, two received.) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-2134](#) (B) [Stuifbergen](#) Bulb Company for flower bulbs for use by the Park & Recreation Department, \$33,637.70. (Eleven bids mailed, five received.) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-2135](#) (C) [Toyne](#) Inc. for one replacement fire engine for use by the Fire Department, \$462,400. (Thirteen bids mailed, three received.) ([Council Communication No. 07-663](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

- [07-2136](#) (D) [Intergraph](#) Public Safety for non-competitive procurement of software upgrade to Computer Aided Dispatch (CAD) system for use by the Police Department, \$89,000. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-2137](#) (E) [Foster](#) and Freeman for non-competitive procurement of digital fingerprint capture system for use by the Police Department, \$60,396.79. ([Council Communication No. 07-647](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-2138](#) 27. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of November 5 and November 12, 2007; to draw checks for the bills of the [Des Moines Municipal Housing Agency](#) for the weeks of November 5 and November 12, 2007; and to draw checks for weekly payroll due November 9, 2007. **Moved by Kiernan to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [07-2139](#) 27-I [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Kiernan that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
 - (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.

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

Council considered Item 28 next

ORDINANCES - FIRST CONSIDERATION

- [07-2140](#) 28. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 07-659](#)) **Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
 - (A) Installation of Stop Signs at the Intersection of E. 8th Street and Filmore Street.
 - (B) Revision of Parking Meter Time Limits at various locations.

Council considered Items 34 thru 38 and then Extra 1 next

HEARINGS (OPEN AT 5:14 P.M.) (ITEMS 29 THRU 33)

- [07-2141](#) 29. [On](#) request from Mora, Inc. to rezone property at 1434 Des Moines Street from “C

(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. **(Plan and Zoning Commission recommends DENIAL) Moved by Mahaffey to adopt and deny the proposed rezoning. Motion Carried 7-0.**

[07-2142](#) 30. **On** vacation and conveyance of the east/west alley right-of-way adjoining 2112 Woodlawn Avenue to Freedom Financial Bank, \$2,400. [\(Council Communication No. 07-672\)](#) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-2143](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[07-2144](#) (B) **Final** consideration of ordinance above, (waiver requested by applicant), requires 75% 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, #14,772. Motion Carried 7-0.**

[07-2145](#) 31. **On** voluntary annexation of property east of the 3000 block of NE 56th Street, (Darlene Fini – Phase 2). [\(Council Communication No. 07-672\)](#) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

32. Items regarding property at 1455-2nd Place and 218 Clark Street, Central City Liquor Store (Continued from October 22, 2007 Council meeting):

[07-2146](#) (A) **Amending** the Des Moines 2020 Community Character Land Use Plan future land use designation, from Low Density Residential to General Industrial. **Moved by Vlassis to adopt, and approve the proposed amendment. Motion Carried 7-0.**

[07-2147](#) (B) **Hearing** on rezoning 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. **Moved by Vlassis to adopt and approve the rezoning, subject to final passage of rezoning ordinance. Motion Carried 7-0.**

[07-2148](#) (C) **First** consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[07-2149](#) (D) **Final** consideration of ordinance above, (waiver requested by applicant), requires 75% votes. **Moved by Vlassis 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, #14,772. Motion Carried 7-0.**

[07-2150](#) 33. **On** 2008 Sewer Televising Program: Resolution approving plans, specifications, forms

contract documents, Engineer's Estimate and designating lowest responsible bidder American Hydro Services, Inc., (Greg Oberhofier, President), \$343,975. ([Council Communication No. 07-668](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-2151](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

****END HEARINGS AT 5:19 P.M.****
****Council considered Board of Health next****

APPROVING

[07-2152](#) 34. [Second](#) Consideration of an ordinance amending Chapter 134 of the Municipal Code to expand the corridors along which off-premise advertising signs (billboards) are generally prohibited and to restrict the right to replace or modify existing non-conforming signs. ([Council Communication No. 07-670](#)) **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[07-2153](#) 35. [Resolution](#) establishing a temporary moratorium on issuance of year-long sound permits. ([Council Communication No. 07-669](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-2154](#) 36. [Professional](#) Services Agreement with Agrest and Gandelsonas Architects, LLP for schematic design of the Pappajohn Sculpture Garden at Western Gateway Park, not to exceed \$132,750. ([Council Communication No. 07-671](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-2155](#) 37. [Development](#) Agreement and authorizing execution of contract documents for a \$350,000 grant to Joe's Square L.L.C. for development of a mixed-use project at Beaver Avenue and Fagen Drive. ([Council Communication No. 07-657](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**

[07-2156](#) 38. [Form](#) of Offering Documents for the issuance of not to exceed \$40,000,000 Aviation System Revenue Refunding Capital Loan Notes, Series 2007D, Series 2007E and Tax Incremental Revenue Series 2007F, and authorizing execution and distribution. **(a special Council meeting will be held on December 5th at 4:00 PM in the Mayor's Conference Room).** ([Council Communication No. 07-649](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

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.

[07-2157](#)

1. Request from Rosana Olson to speak regarding rezoning of 2426 SE 14th Street, (approved by roll call 07-1110, June 4, 2007). **Moved by Meyer to receive and file comments and documents; refer to the City Manager to make inquiry to the Attorney General's Office and the US Attorney's Office. Motion Carried 7-0.**

BOARD OF HEALTH

[07-2158](#)

MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at the Board of Health. Motion Carried 7-0.**

AUTHORIZING

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:

[07-2159](#)

- (A) [1321](#) Fremont, Titleholder: Franklin R. Failor, Contract Buyer and/or Tenant: Ral Riggs. **Moved by Coleman to adopt. Motion Carried 7-0.**

[07-2160](#)

- (B) [1223](#) E. 36th Court, Titleholder: Federal National Mortgage Association. **Moved by Coleman to adopt. Motion Carried 7-0.**

[07-2161](#)

MOTION TO ADJOURN. **Moved by Kiernan to adjourn at 5:22 P.M. Motion Carried 7-0.**

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