

***** 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 '06-' 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 20, 2006 4:30 PM

RECOGNITION – 4:15PM

[Blank Park Zoo](#) as “Iowa Tourist Attraction of the Year”

PROCLAMATIONS – 4:15PM

[National Hospice Month](#)

INVOCATION: Chaplain John Harrell
Des Moines Fire Department

[06-2273](#)

1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Mahaffey, Kiernan and Vlassis**

[06-2274](#)

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 6-0.**

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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.

[06-2275](#)

3. APPROVING CONSENT AGENDA – items 3 through 42: **Moved by Coleman to add the balance of the consent agenda. Motion Carried 6-0.**

LICENSES AND PERMITS

[06-2276](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Coleman to adopt. Motion Carried 6-0.**

NEW APPLICATIONS

(A)	AMICI EXPRESSO	206 6TH AVE	C Liquor
(B)	BIANCHIS HILLTOP RESTAURANT	2820 HUBBELL AVE	C Liquor
(C)	CAPITOL ROOM	315 E 5TH ST	C Liquor
(D)	EL CORITA	1541 E GRAND AVE	C Liquor
(E)	FLEUR WINE & ALE	4521 FLEUR DR	E Liquor
(F)	SILVESTRINIS PIZZA	5418 DOUGLAS AVE	C Beer/Wine
(G)	VILLAGE BEAN	400 E LOCUST ST	B Wine

RENEWAL APPLICATIONS

(H)	EL ARAGON	900 E ARMY POST RD	C Liquor
(I)	EL RODEO #2	1234 E EUCLID AVE	C Liquor
(J)	FELIX & OSCARS	4050 MERLE HAY RD	C Liquor
(K)	FIESTA CANCUN MEXICAN REST	5118 SE 14TH ST	C Liquor
(L)	GINOS RESTAURANT & LOUNGE	2809 6TH AVE	C Liquor
(M)	GIT N GO STORE #2	1307 ARMY POST RD	C Beer
(N)	HAPPY JOES PIZZA & ICE CREAM	4743 SE 14TH ST	B Beer
(O)	KARLY'S PIT STOP	607 SE 30TH ST	C Liquor
(P)	KUM & GO #207	4200 HUBBELL AVE	C Beer
(Q)	KUM & GO #208	3200 SE 14TH ST	C Beer
(R)	KUM & GO #2722	2211 UNIVERSITY	C Beer
(S)	KUM & GO #2729	2829 EASTON BLVD	C Beer
(T)	KUM & GO #2731	3104 UNIVERSITY	C Beer
(U)	KUM & GO #60	806 SE 14TH ST	C Beer
(V)	PORKYS DINER	4444 DOUGLAS AVE	B Beer
(W)	ROYAL MILE	210 4TH ST	C Liquor
(X)	RUSTYS	2565 WEDGEWOOD	C Liquor
(Y)	SKIPS	4000 FLEUR DR	C Liquor
(Z)	SLEEPY HOLLOW SPORTS PARK	4051 DEAN AVE	C Liquor
(AA)	SUDSUCKERS	1511 E ARMY POST RD	C Liquor
(BB)	VAUDEVILLE MEWS	212 4TH ST	C Liquor

- [06-2277](#) 5. [Approving](#) Class E Liquor License Application with Class C Beer and Class B Wine Privileges for Plaza Pantry, 300 Walnut Street. **Moved by Hensley to receive and documents submitted; continue item to the December 18, 2006 Council meeting. Owner is to schedule a meeting with Police, residents and business owners to discuss resolution of issues. Motion Carried 6-0.**
- [06-2278](#) 6. [City](#) Clerk to issue Cigarette Licenses. **Moved by Coleman to adopt. Motion Carried 6-0. 1. Nays: Cownie.**
- [06-2279](#) 7. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Coleman to adopt. Motion Carried 6-0.**

PUBLIC IMPROVEMENTS

- [06-2280](#) 8. [Communication](#) from Sande Construction and Supply Co., Inc. requesting permission to sublet certain items on the Crivaro Park Water Playground Project. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2281](#) 9. [Accepting](#) completed construction and final payment for Elder Corporation for Grand Lake Northwest Entrance Modifications. **Moved by Coleman to adopt. Motion Carried 6-0.**

SPECIAL ASSESSMENTS

10. Approving deletion of NAC-Emergency Assessments for the following:
- [06-2282](#) (A) [Various](#) locations. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2283](#) (B) [939](#) Herold Ave. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2284](#) (C) [4822](#) Merced St. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2285](#) (D) [6001](#) Indianola Rd. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2286](#) 11. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits October 2006. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2287](#) 12. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees October 2006. **Moved by Coleman to adopt. Motion Carried 6-0.**

LAND/PROPERTY TRANSACTIONS

- [06-2288](#) 13. [Acceptance](#) of real estate documents for property located in Northeast Polk County for Edward Ochylski for Wetlands Mitigation purposes for the Airport Runway 13R/13L project. ([Council Communication No. 06-727](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2289](#) 14. [Approving](#) final subdivision plat entitled Airport Commerce Park South Plat 2 located in vicinity of Gannett Avenue, south of relocated Army Post Road, and SW 28th Street. ([Council Communication No. 06-714](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2290](#) 15. [Approving](#) final subdivision plat entitled Sawyer's Landing Plat 1 located in vicinity of Hillcrest Drive and north of Twana Drive. ([Council Communication No. 06-713](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [06-2291](#) 16. [Communication](#) from Harold Belken advising of his resignation from the Zoning Board Adjustment, Seat 7, effective January 1, 2007. **Moved by Coleman to receive, file and to accept resignation with appreciation for his many years of service. Motion Carried 6-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [06-2292](#) 17. [Regarding](#) request from Matthew and Stephanie Wruck, 115 Davis Avenue, for vacation and conveyance of the adjoining east/west alley between Davis and Olinda Avenues extending from Highland to SW 1st Street, subject to conditions. **Moved by Coleman to receive, file and to refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 6-0.**
- [06-2293](#) 18. [Regarding](#) City-initiated request for vacation and closure of north/south alley between 22nd and 23rd Streets from University to Carpenter Avenue, subject to conditions. **Moved by Coleman to receive, file and to refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 6-0.**

SETTING DATE OF HEARINGS

- [06-2294](#) 19. On vacation and conveyance of a portion of the east/west alley extending west from East 30th Street between East Grand and East Capitol Avenues, and the north 25 feet of the east segment of Capitol Avenue extending west from East 30th Street, to Neighborhood Development Corporation, \$4,800, (12-04-06). **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2295](#) 20. On vacation and conveyance of a segment of the north/south alley extending south from East University Avenue between East 23rd Court and East 24th Street to Michael L. King, \$2,385, (12-04-06). **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2296](#) 21. On vacation and conveyance of a portion of a dead-end segment of Boyd Street adjoining 1446 Boyd Street to Grand View College, \$6,765, (12-04-06). **Moved by Coleman to adopt. Motion Carried 5-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**
- [06-2297](#) 22. On conveyance of City-owned property adjoining 1920 Washington Avenue to Ricky Nu Haines, \$150, (12-04-06). **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2298](#) 23. To amend the legal description for a permanent easement for encroachment adjoining East Court Avenue previously granted to East Village Court, L.L.C., \$370, (12-04-06). **Moved by Coleman to adopt. Motion Carried 6-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [06-2299](#) 24. Approving payment of \$966.55 to Ahlers & Cooney, P.C. for services concerning the Point West Project. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2300](#) 25. Approving payment of \$140,000 to William Daniels II, a former temporary refuse collector, of the Public Works Department for a workers' compensation claim. **Moved by Coleman to adopt. Motion Carried 6-0.**

CITY MANAGER COMMUNICATIONS

- [06-2301](#) 26. Submitting out-of-state travel requests for Candace Biddle, David Bowen, Jack Beard, Dennis Rich, and Gaylord Houston. ([Council Communication No. 06-718](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**

APPROVING

27. Continuum of Care (COC) Closeout Certification Documents for the following Fiscal Years:
- [06-2302](#) (A) [2002](#). **Moved by Coleman to adopt. Motion Carried 6-0.**
 - [06-2303](#) (B) [2003](#). **Moved by Coleman to adopt. Motion Carried 6-0.**
 - [06-2304](#) (C) [2004](#). **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2305](#) 28. [Notice](#) of Intent to request release of funds from the U.S. Department of Housing and Urban Development (HUD) for Self-Help Homeownership Opportunity Program (SHOEP) Grant to Greater Des Moines Habitat for Humanity. ([Council Communication No. 06-720](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2306](#) 29. [Comprehensive](#) Strategy Environmental Review Record, Finding of No Significant Impact on the Environment and Publishing Notice of Intent to Request Release of Funds. ([Council Communication No. 06-711](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2307](#) 30. [Letter](#) of Agreement for the 2006 Holiday Food Project with the Catholic Pastoral Center, 601 Grand Avenue. ([Council Communication No. 06-717](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2308](#) 31. [HOME](#) documents with the Iowa Department of Economic Development and Pioneering Woods, LLC for renovation of Low Income Rental Housing in the vicinity of SE 17th and Kirkwood Avenue. ([Council Communication No. 06-725](#)) **Moved by Coleman to adopt subject to receipt of fully executed documents. Motion Carried 6-0.**
- [06-2309](#) 32. [Purchase](#) of 1212 Cherry Street and 1216 Mulberry Street. ([Council Communication No. 06-722](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2310](#) 33. [Changing](#) dedication of former Central Library at 100 Locust Street from Library use to City of Des Moines use. ([Council Communication No. 06-742](#)) **Moved by Vlassis to refer to the City Manager to have a final proposal for use of the building by June 2007 or to explore other uses. Motion Carried 6-0.**
- [06-2311](#) 34. [Loan](#) Agreement with Polk County, Urban Renewal Agreement with Nelson Development, LLC and Conceptual Development Plan for renovation of 215 Watson Powell Jr. V as an Entertainment Center. ([Council Communication No. 06-726](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2312](#) 35. [Directing](#) advertisement for sale of \$16,750,000 Stormwater Management Utility Revenue Bonds, Series 2006D, (bonds will be sold on November 29 at 10:00 AM and a special Council meeting will be held at 4:00 PM) ([Council Communication No. 06-744](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**

- [06-2313](#) 36. [Addendum](#) to three year Maintenance Agreement with Greater Des Moines Baseball (GDMBC) to add the maintenance responsibilities of James W. Cownie Baseball Park ([Council Communication No. 06-740](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2314](#) 37. [Use](#) of various City Facilities as poll sites for precincts 60, 82, and 83 for the Special Primary Election to be held Tuesday, December 12, 2006. **Moved by Coleman to approve. City Clerk will notify the City Properties Administrator, and the Municipal Housing Department to arrange access to the buildings. Motion Carried 6-0.**
- [06-2315](#) 38. [Intergovernmental](#) 28E Agreement with Polk County Conservation Board and City of West Des Moines for shared purchase and use of a beach cleaner. ([Council Communication No. 06-741](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**
- [06-2316](#) 39. [Civil](#) Service Entrance List for Mechanical Specialist and Promotional Lists for Senior Maintenance Worker, Fleet Services Master Mechanic, Cement Finisher, Heavy Equipment Operator and Medium Equipment Operator. **Moved by Coleman to receive and file. Motion Carried 6-0.**
- [06-2317](#) 40. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 13 and November 27, 2006; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 20 and November 27, 2006; and to draw checks for bi-weekly payroll due November 24, 2006. **Moved by Coleman to adopt. Motion Carried 6-0.**

ORDINANCES - FINAL CONSIDERATION

- [06-2318](#) 41. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: **Moved by Coleman that this ordinance do now pass, #14,608. Motion Carried 6-0.**
- (A) Removal of Bus Loading Zone – west side of 48th Street, north of Franklin Avenue
 - (B) Parking Restrictions – north side of Forest Avenue between 25th and 29th Streets.
 - (C) Temporary Municipal Parking Lot - 411 E. Grand.
 - (D) Removal of Metered Parking – south side of Mulberry Street, 7th to 9th Streets.

- (E) Back-In Angle Parking – south side of Court Avenue, Water Street to E. 3rd Street; north side of Walnut Street Bridge; west side of E. 4th Street, Grand Avenue to Locust Street; and east side of E. 5th Street between Walnut Street and Grand Avenue.

[06-2319](#)

- 42. **To** rezone property at 219 College from “R-3” (Multi-Family Residential) to Ltd. “M” (Light Industrial) to allow for industrial development, subject to conditions. **Moved by Coleman that this ordinance do now pass, #14,609. Motion Carried 6-0.**

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

ORDINANCES - FIRST CONSIDERATION

[06-2320](#)

- 43. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes follows: ([Council Communication No. 06-715](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

- (A) School Bus Loading Area – Longfellow Elementary School at 2115 E. 39th Street
- (B) Loading Zone – 5th Avenue and Grand, and 5th Avenue and Locust
- (C) Parking Restrictions – East side of 5th Avenue, Mulberry Street to Walnut Street
- (D) Removal of Metered parking – 3rd Street between Center Street and School Street

COMMUNICATIONS/REPORTS

[06-2321](#)

- 44. **From** Brenda LaBlanc or Cynde Rayman to speak regarding proposed ethanol plant. **Moved by Coleman to receive and file comments and documents, and to provide copy of the natural gas/coal analysis to the Good Neighbor Task Force when becomes available. Motion Carried 6-0.**

[06-2322](#)

- 45. **From** Jim Miller, 4130 E. 30th Street, to speak regarding the need for a park where residents can ride a four-wheeler. **Moved by Kiernan to receive and file comments. Motion Carried 6-0.**

[06-2323](#)

- 46. **From** Jason Walsmith, Des Moines Music Commission, to speak regarding designating music venues. **Moved by Hensley to receive and file comments; refer to City Manager to work with the Police Department, Legal Department, and the Music Commission for recommendation back to City Council on December 18, 2006. Motion Carried 6-0.**

HEARINGS (OPEN AT 5:10 P.M.) (ITEMS 47 THRU 49)

- [06-2324](#) 47. [On](#) Proposed Third Year Action Plan 2007 of the 2005-2009 US Department of Housing and Urban Development (HUD) Consolidated Plan, (continued from November 6, 2006) ([Council Communication No. 06-712](#)) **Moved by Vlassis to adopt the City Manager's recommendation with the following amendments: 1. Reduce OED-Neighborhood Commercial Revitalization by \$30,000 to fund the ISED Project. 2. Priorities for Reprogramming are Primary Health and OED. 3. NFC and CCI are encouraged, required to work together next year. 4. Have information regarding recipients available on the City's website. Motion Carried 6-0. Previous motion by Vlassis to reallocate \$10,000 from OED to SCRUB failed. Yeas: Cownie, Vlassis and Kiernan. Nays: Hensley, Mahaffey and Coleman.**
- [06-2325](#) (A) [Neighborhood](#) Revitalization Board recommendation. **Moved by Vlassis to receive and file. Motion Carried 6-0.**
- [06-2326](#) 48. [On](#) voluntary annexation of 5475 Meredith Drive and approving agreement for immediate connection to the City sewer system. ([Council Communication No. 06-724](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2327](#) 49. [On](#) South Union Street & Park Avenue Storm Sewer Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate, and designating lowest responsible bidder as Reilly Construction Company, Inc., (Chris R. Reilly, President), \$209,856. ([Council Communication No. 06-716](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**
- [06-2328](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-0.**

****END HEARINGS AT 6:33 PM****

APPROVING

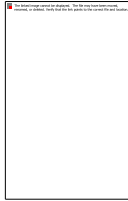
- [06-2329](#) 50. [Extensions](#) of Collective Bargaining Agreements for Central Iowa Public Employees Council (CIPEC), Municipal Employees Association (MEA), Des Moines Association of Professional Firefighters, Local 4 (Fire), Des Moines Police Bargaining Unit Association (Police) and American Federation of State, County and Municipal Employees, Council Local 3673 (AFSCME). ([Council Communication No. 06-739](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**
- [06-2330](#) (A) [Receive](#) and file approved extensions of Collective Bargaining Agreements for Professional Employees Lodge No. 254, International Association of Machinists and Aerospace Workers, Units 10 and 11 (Clerks and Librarians). **Moved by Hensley to receive and file. Motion Carried 6-0.**

- [06-2331](#) (B) [Blue](#) Choice Managed Care as Health Insurance Network. ([Council Communication No. 06-739](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**
- [06-2332](#) 51. [Tax](#) Increment needs for FY 2007/2008. ([Council Communication No. 06-719](#)) **Moved by Hensley to adopt the recommendations contained in Council Communication 06-719 and to direct the City Manager or his designee to notify the County Auditor of the City of Des Moines' need for \$23,968,682 of tax increment revenue FY2007/2008 and if there are subsequent reductions in tax increment valuations, the City Manager or his designee is authorized to decrease the TIF needs requirements to be in compliance with the Council's TIF policy. Motion Carried 6-0.**
- [06-2333](#) 52. [Agreement](#) with Principal Life Insurance Company and Des Moines River Front Development Authority for construction and funding of Center Street Bridge Project. ([Council Communication No. 06-723](#)) **Moved by Kiernan to adopt. Motion Carried 6-0.**
- [06-2334](#) (A) [Approving](#) Iowa Department of Transportation Agreement for the Center Street Bridge. ([Council Communication No. 06-721](#)) **Moved by Kiernan to adopt. Motion Carried 6-0.**
- [06-2335](#) 53. [CIETC](#) dissolution and approval of New 28E Agreement for Regional Workforce Investment Alliance. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2336](#) 54. [First](#) Amendment and Addendum to A.H. Blank Golf Course Concession Management Agreement-A.H. Blank Golf Course Improvements for improvements to golf course facilities. ([Council Communication No. 06-743](#)) **Moved by Kiernan to adopt. Motion Carried 6-0.**
- [06-2337](#) 55. [Receipt](#) of quarterly reports from 29 designated NBSD neighborhoods. **Moved by Vlach to receive and file the reports. Motion Carried 6-0.**
- [06-2338](#) 56. [Receipt](#) of Petition to Establish an Ingersoll Avenue Self-Supported Municipal Improvement District (SSMID). **Moved by Hensley to receive, file and refer petition to the City Plan and Zoning Commission for preparation of an evaluation report on the merit and feasibility of establishing the Ingersoll Avenue SSMID and make recommendations with respect to the establishment of the project, all to be received by the City Council for the December 18, 2006, regular City Council meeting. Motion Carried 5-0. Mayor Cownie declares a conflict of interest and abstains from voting.**

[06-2339](#)

MOTION TO ADJOURN. Moved by Kiernan to adjourn at 7:35 PM. Motion Carried 6-

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