

DES MOINES CITY COUNCIL MEETING

October 27, 2008 4:30 PM

SPECIAL PRESENTATIONS – 4:00 PM

Check Presentation to Des Moines Carousel Foundation by the Rollin’ Relics Car Club

PROCLAMATIONS – 4:00 PM

White Cane Safety Month

INVOCATION: Reverend Craig Robertson
Grant Park Christian Church
2440 Capitol Avenue

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

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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.

3. APPROVING CONSENT AGENDA – items 3 through 44:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A)	ROMANOS PIZZA	1820 E ARMY POST	C Liquor
(B)	SUN-MART	300 WALNUT ST	E Liquor
(C)	TOM'S TAP	509 E 25TH ST	C Liquor
(D)	VETERANS MEMORIAL	833 5TH AVENUE	B Wine

RENEWAL APPLICATIONS

(E)	APEX OIL	1200 SE 30TH ST	C Beer
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(F)	BLACK CAT CAFE	3701 INGERSOLL	C Beer/Wine
(G)	BORDENAROS PIZZA	6108 SW 9TH ST	C Liquor
(H)	CARLOS O'KELLYS MEXICAN	6250 SE 14TH ST	C Liquor
(I)	CENTRO RESTAURANT	1011 LOCUST ST	C Liquor
(J)	DUBLIN	2307 UNIVERSITY	C Liquor
(K)	DUDS N SUDS	2629 BEAVER AVE	B Beer
(L)	GIT N GO STORE #19	9536 COUNTY LINE	C Beer
(M)	HESSEN HAUS	101 4TH STREET	C Liquor
(N)	JESSES EMBERS	3301 INGERSOLL	C Liquor
(O)	KAMODO KLUB SAKE N SUSHI	214 3RD ST	C Liquor
(P)	SMOKEYS TRIANGLE TAP	2506 POST	C Liquor

TRANSFER TO NEW LOCATION

- (Q) IOWA STATE FAIR BLUE RIBBON 3000 E GRAND AVE B Wine Native
Permanent transfer of license to Earth Home.

OUTDOOR SERVICE APPLICATIONS

- ~~(R) SMOKEYS TRIANGLE TAP 2506 POST C Liquor~~
Adding permanent outdoor service area.

SPECIAL EVENT APPLICATIONS

- (S) CATERING CONNECTION 2300 GRAND Five (5) Day License
Special Class C Beer/Wine License for event on October 28, 2008.

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

PUBLIC IMPROVEMENTS

7. Number Not Used.
8. [Approving](#) execution of Iowa Department of Transportation Grant Agreement for the Principal Riverwalk Kiosk and Trail.

[\(Council Communication No. 08-644\)](#)

9. [Communication](#) from C.A.C., Inc. requesting permission to sublet certain items on the 2600 Block of Aurora Avenue Storm Water Repairs public improvements project.

10. Accepting completed construction and approving final payment for the following:
 - (A) [Des Moines](#) Asphalt & Paving Co. - 2007 Expanded Street Resurfacing Program – Contract 2.
 - (B) [Legacy](#) Construction Associates, Inc. – Northwest Community Center Park Shelter.

SPECIAL ASSESSMENTS

11. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for September 2008.

LAND/PROPERTY TRANSACTIONS

12. [Granting](#) extension for filing of the Final Subdivision Plat entitled Wakonda Plat 1.

[\(Council Communication No. 08-657\)](#)
13. [Approving](#) prior approval of Tax Abatement Application for value added by construction of a medical office building at 1057 5th Avenue.

[\(Council Communication No. 08-636\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Communication](#) from Mark Barkley advising of his resignation from the Traffic Safety Committee, Seat 3, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

15. [Regarding](#) request from Iowa Methodist Medical Center for vacation and conveyance of 14th Street from Woodland Avenue to High Street and the east/west alley between Woodland Avenue and High Street from a point 60 feet east of 14th to 15th Street, subject to conditions.
16. [Regarding](#) request from Jeff Law for vacation and conveyance of a dead end segment of east/west alley adjoining 812 Virginia Avenue between Virginia Avenue and Pleasant View Drive, west of SW 7th Street, subject to conditions.

17. [Regarding](#) request from Leonard and Sheryl Ballard for vacation and conveyance of Birch Lane from Thornton Drive to SW 24th Street and east half of SW 24th Street from Thornton to Watrous Avenue, subject to conditions.

SETTING DATE OF HEARINGS

18. [On](#) vacation and conveyance of east/west alley between Woodland Avenue and High Street from a point 60 feet east of 14th Street to 15th Street, and 14th Street from Woodland Avenue to High Street to Central Iowa Health Properties Corporation, \$414,750, (11-10-08).
19. [On](#) vacation and conveyance of easement for building encroachment within a segment of Cottage Grove Avenue right-of-way adjoining 1912 Cottage Grove Avenue to Monte and Krista Bennett, \$50, (11-10-08).
20. [On](#) vacation and conveyance of E. Granger Avenue right-of-way between Vandalia Road and the Burlington Northern Sante Fe Railroad from SE 35th to SE 36th Street, (11-10-08).
21. [On](#) vacation and conveyance of east/west alley between Ingersoll Avenue and High Street from 17th Street to a point approximately 175 feet east of 19th Street to 1717 Ingersoll, LLC, PW Waterbury, LC and OPOPMODO, LLC, (11-10-08).
22. [On](#) request from R Way's, Inc. to rezone property at 1930 Indianola Avenue from "C-1" (Neighborhood Retail Commercial) to Ltd. "C-2" (General Retail and Highway Oriented Commercial) to allow for reuse of property for garage for general motor vehicle repair, subject to conditions, (11-10-08).
23. [On](#) authorization of a Loan Agreement and issuance of not to exceed \$12,000,000 Aviation System Revenue Capital Loan Notes, (11-10-08).

[\(Council Communication No. 08-637\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. [Approving](#) payment of \$10,119.22 to Sioux City Truck Sales and Paccar Financial Group for property damage as the result of an auto accident.
25. [Affirming](#) settlements made by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

26. [Submitting](#) training request for Aaron Greiner and travel requests for Martha Nelson and Tom Vlassis.

[\(Council Communication No. 08-639\)](#)

APPROVING

27. [Concurrent](#) Notice to the Public of Finding of No Significant Impact on the Environment and Intent to Request Release of Funds from the Iowa Department of Economic Development for funds from the State CDBG Supplemental Housing Disaster Recovery Fund.

[\(Council Communication No. 08-649\)](#)

28. “[Jumpstart](#) Housing Assistance Program Sub-Grantee Agreement” between the City of Des Moines, Home Opportunities Made Easy, Inc. (HOME, INC) and the Iowa Finance Authority to provide administrative assistance for Interim Mortgage Assistance Program.

[\(Council Communication No. 08-629\)](#)

29. [Iowa](#) Department of Commerce, Alcohol Beverage Division 28E Agreement for Tobacco Enforcement.

[\(Council Communication No. 08-651\)](#)

30. [Department](#) of Justice, 2008 COPS Technology Grant for voice communications project to improve interoperability for grant period December 26, 2007 through December 25, 2010.

[\(Council Communication No. 08-652\)](#)

31. [Department](#) of Justice, 2008 COPS Secure Our Schools Award grant for two-year period September 1, 2008 through August 31, 2010.

[\(Council Communication No. 08-655\)](#)

32. [Department](#) of Army Supplemental Agreement No. 1 to lease for Saylorville Lake Project of approximately 20.3 acres of additional federal land along the Des Moines River for public park and recreation purposes.

[\(Council Communication No. 08-634\)](#)

33. [Requesting](#) Army Corps of Engineers to design a trail as part of the proposed Central Place Levee to provide trail connections from the Principal Riverwalk to the River Bend Neighborhood along the Des Moines River and payment of up to \$50,000 to the Army Corps of Engineers.

[\(Council Communication No. 08-635\)](#)

34. [2008](#) Letter of Agreement with the Catholic Pastoral Center for the Holiday Food Project.

[\(Council Communication No. 08-630\)](#)

35. [Receive](#) and file Quarterly Treasurer's Report as of September 30, 2008.

36. Bids from the following:

- (A) [Emergency](#) Vehicle Sales & Service for two (2) replacement ambulances and sale or trade-in of two (2) existing ambulances to be used by the Fire Department, \$305,700. (Eight bids mailed, one received).

[\(Council Communication No. 08-631\)](#)

- (B) [FirstLine](#) Gloves for an annual contract with two (2) additional one year renewal options to furnish nitrile gloves to be used by the Fire Department, \$32,340. (Nine bids mailed, three received).

[\(Council Communication No. 08-632\)](#)

37. [Civil](#) Service Entrance Lists for Assistant City Architect and Assistant Surveyor.

38. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 27 and November 3, 2008; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of October 27 and November 3, 2008; and to draw checks for bi-weekly payroll due November 7, 2008.

ORDINANCES - FINAL CONSIDERATION

- 39. [To](#) rezone property at 1045 19th Street from “R-3” (Multiple-Family Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow redevelopment of property with new multiple-family residential, subject to conditions.
- 40. [Amending](#) Chapter 30 of the Municipal Code regarding painting house numbers on curbing.

ORDINANCES - SECOND CONSIDERATION

- 41. [Amending](#) Chapter 78 of the Municipal Code regarding Transient Merchants.
- 42. [Adding](#) Section 114-364 to the Municipal Code regarding sound system operation in vehicles.
- 43. [Amending](#) Chapter 74 of the Municipal Code regarding Brenton Skating Plaza fees.
- 44. [Amending](#) Chapter 60 of the Municipal Code regarding Neighborhood Inspection Rental Code and collection of fees, fines, penalties, costs and interest to allow collection or assessments against the property.

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

ORDINANCES - FINAL CONSIDERATION

- 45. [Council](#)-initiated request to rezone portions of Riverbend Neighborhood Area from “R-3” (Multiple Family Residential) and “M-1” (Light Industrial) to “R1-60” (One-Family Low-Density Residential).

ORDINANCES - SECOND CONSIDERATION

- 46. Amending Chapter 126 of the Municipal Code regarding Taxicab regulations:

[\(Council Communication No. 08-660\)](#)

- (A) [Alternate](#) One – Ordinance as approved on first consideration.
- (B) [Alternate](#) Two – Ordinance as approved on first consideration, but with the following alterations: (1) adding a three-year delay to the requirement that all taxicab vehicles be no greater than ten years old, (2) changing the requirement that a taxicab company have four of its five required taxicabs “in operation at all times” to having them “available to respond into operation at all times” and (3) reinserting language that emphasizes that a certificate holder is treated as an owner under certain sections.
- (C) Final consideration of Alternate One or Alternate Two, (waiver requested by Council Member Hensley), requires 6 votes.

ORDINANCES - FIRST CONSIDERATION

47. [Amending](#) Chapter 118 of the Municipal Code regarding Stormwater Utility Fee rate increase for residential and non-residential properties.

[\(Council Communication No. 08-661\)](#)

- (A) [Approving](#) Professional Services Agreement with Veenstra & Kimm, Inc. for design and construction phase services for the Court Avenue-Water Street Sewer Separation Project, not to exceed \$595,712.

[\(Council Communication No. 08-646\)](#)

- (B) [Ordering](#) construction of M.L. King Jr. Parkway Levee Restoration – Receiving of bids, (11-12-08), and Setting date of hearing, (11-24-08). (Construction Estimate - \$373,980).

[\(Council Communication No. 08-645\)](#)

- (C) [Amending](#) Chapter 118 of the Municipal Code regarding establishment of Personal Property Protection Program and Subsidy Credit for qualifying plumbing work.

[\(Council Communication No. 08-662\)](#)

48. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes to remove the truck route designation on SE 28th Street from Market to Scott, and to create a four-way stop at the intersection of SE 28th and Scott.

[\(Council Communication No. 08-647\)](#)

- (A) [Communication](#) from Dorothy Spotts, 606 SE 28th Street, regarding traffic regulations in the vicinity of SE 28th Street and Scott Avenue.

COMMUNICATIONS/REPORTS

49. NUMBER NOT USED.
50. [From](#) Margaret Vitiritto-Khan, 5100 Aspen Drive, West Des Moines to speak regarding banning dogs from city cemeteries.

***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 51 THRU 57)

51. [On](#) appeal from Adrian Wilson, 2508 Williams Street, of the Administrative Hearing Officer's decision regarding his dog.
52. [On](#) appeal from James Lloyd, 1909 Williams Street, of the Administrative Hearing Officer's decision regarding his dog.
53. [On](#) proposed Third Amendment to the SE Agribusiness Urban Renewal Plan, related to the acquisition, construction and equipping of the fire logistics and training facility.

[\(Council Communication No. 08-633\)](#)

- (A) [Communication](#) from Plan and Zoning Commission.

54. [On](#) corrected conveyance of City-owned property at 1440 Stewart Street for infill housing redevelopment to LAB Investment Company, Inc., \$7,160.
55. [On](#) conveyance of 1005 Maury Street, located on the south side of Maury Street between SE 10th Street and SE 11th Street to Greater Des Moines Habitat for Humanity, Inc., \$72,500.

[\(Council Communication No. 08-643\)](#)

56. [On](#) request from Home Opportunities Made Easy, Inc. to rezone property at 5119 Bel-Aire Rd. from "R-2" (Two-Family Residential) to a Ltd. "R-3" (Multiple-Family

Residential), to allow a reconfiguration of existing 6 duplexes to a property regime that has 12 separately owned single-family semi-detached units on common property owned and maintained by an owners association, subject to conditions.

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

57. On Scheduled Airline Operating Agreements and Terminal Building Leases with the following at the Des Moines International Airport, through June 30, 2013:

[\(Council Communication No. 08-638\)](#)

- (A) [Allegiant](#) Air, LLC.
- ~~(B) [American Eagle Airlines, Inc.](#)~~
- (C) [Delta](#) Air Lines, Inc.
- ~~(D) [ExpressJet Airlines, Inc.](#)~~
- (E) [Federal](#) Express Corporation.
- (F) [Midwest](#) Airlines, Inc.
- (G) [Northwest](#) Airlines, Inc.
- (H) [United](#) Air Lines, Inc.
- (I) [United](#) Parcel Service Co.
- (J) [US](#) Airways, Inc.

*** END HEARINGS AT _____ PM ***

APPROVING

58. [Agreement](#) with Substance, LLC for the provision of professional consulting services for Workspace Master Plan Study for future needs of City departments and operations in an amount not to exceed \$155,855.

[\(Council Communication No. 08-656\)](#)

59. Applications to Iowa Housing Finance Authority requesting low-income housing tax credits for the following:

[\(Council Communication No. 08-650\)](#)

- (A) [MDI](#) Limited Partnership #86 for development of 34 units of artist housing for 1440 Walnut, The Crane Building.

- (B) [Akers](#) Holding, LLC for new construction of 57 units of low-income senior housing between 5th and 6th on SW Army Post Rd.
- (C) [Oakridge](#) Neighborhood Associates, Phase II, LP for rehabilitation of 150 units of low-income family housing in the vicinity of 15th Street and Oakridge Drive.
- (D) [Melbourne](#) Apartments I, LLLP for construction of 84 units housing at 5409-5521 SE 14th Street.
- (E) [SA](#) Metro Lofts, Limited Partnership for new construction of mixed income housing at 255 Vine Street.
- (F) [Oak](#) Point, LLLP for new construction of 36 units of housing located at 2501 24th Street.
- (G) [SA](#) Rumely Limited Partnership for development of 66 units at 104 SW 4th Street, The Rumely Building.
- (H) [Willow](#) Bend I, LP for rehabilitation of 60 units of housing at 6616, 6700 and 6800 SW 9th Street.
- (I) [MLK](#) Brickstone, LLC for new construction of 54 units of housing between 19th and 18th Streets, Atkins and the Freeway.

60. Authorizing applications for Enterprise Zone certification for the following:

[\(Council Communication No. 08-640\)](#)

- (A) [Drake](#) Park/Sherman Hill/Woodland Heights.
- (B) [McKinley](#)/SW 9th/Army Post Road.
- (C) [24th](#) Street.
- (D) [SE](#) 14th Street.

61. Items regarding the John and Mary Pappajohn Sculpture Park:

[\(Council Communication No. 08-648\)](#)

- (A) [Vision](#) Iowa Grant Award Agreement between the City, The Edmundson Art Foundation, Inc. and the Vision Iowa Board, \$1,000,000.
- (B) [W.T.](#) and Edna M. Dahl Trust Grant Agreement, \$100,000.

62. Items regarding the Ingersoll Avenue Streetscape Improvements – 29th to 31st Streets:

(A) [Request](#) from Jasper Construction Services, Inc, for extension of time.

[\(Council Communication No. 08-641\)](#)

(B) [Professional](#) Services Supplemental Agreement No 1, with Howard R. Green Company, for additional construction administration services not to exceed \$41,095.

[\(Council Communication No. 08-642\)](#)

63. [Proposal](#) for creation of an Action Plan to address homelessness and authorizing City Manager to negotiate and execute a contract with Technical Assistance Collaborative, Inc., \$48,785.

[\(Council Communication No. 08-653\)](#)

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) [2329](#) Bennett Avenue, structure and garage structure, Titleholder: BC Properties, LLC.

(B) [2604](#) Driftwood Avenue, structure, Titleholders: Todd B. Rector and Jennifer R. Rector, Mortgage Holder: Household Finance Industrial Loan Company of Iowa.

(C) [2711](#) Franklin Avenue, structure, Titleholder: Basim Bakri, Mortgage Holder: First Trust & Savings Bank.

(D) [2116](#) Meek Avenue, structure, Titleholders: John B. Shepherd, Jr. and Darlene J. Shepherd, Contract Buyer: Diane R. Jewell.

(E) [3011](#) 5th Avenue, fire-damaged structure and garage structure, Titleholders: Pamela Bohall, Frank W. Bohall, Jr.

(F) [3838](#) 15th Street, fire-damaged structure and garage structure, Titleholder: Gary Oeth.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003