

DES MOINES CITY COUNCIL MEETING

December 17, 2007 4:30 P.M.

INVOCATION: Pastor Craig Robertson
Grant Park Christian Church
E. 25th and Capitol

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 37:

LICENSES AND PERMITS

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

NEW APPLICATIONS

~~(A) BELLA NOCHE 4808 SW 9TH ST C Liquor~~

RENEWAL APPLICATIONS

(B)	801 STEAK AND CHOP HOUSE	801 GRAND AVE	C Liquor
(C)	B & B SUPER MARKET	2001 SE 6TH ST	C Beer
(D)	CASEYS GENERAL STORE #2322	4331 PARK AVE	C Beer
(E)	CASEYS GENERAL STORE #2641	2849 E EUCLID AVE	C Beer
(F)	CHRISTOPHERS DINING ROOM	2816 BEAVER AVE	C Liquor
(G)	CIVIC CENTER	1011 LOCUST ST	C Liquor
(H)	CLUB STATIK	215 E 2ND ST	C Liquor
(I)	DAHLS FOODS	1320 E EUCLID AVE	E Liquor
(J)	DERRYS LOUNGE	4845 MERLE HAY RD	C Liquor
(K)	EL RANCHO ALEGRE	3308 INDIANOLA AVE	B Beer
(L)	ETC.	555 WALNUT ST	B Native Wine
(M)	GIT N GO STORE #24	1142 42ND ST	C Beer

(N)	JOHNNY MACS BAR & GRILL	2279 HUBBELL AVE	C Liquor
(O)	LA HACIENDA	900 E ARMY POST RD	C Liquor
(P)	MEZZODIS	4519 FLEUR DR	C Liquor
(Q)	NADRY INC	2701 INGERSOLL AVE	C Beer
(R)	NOW OR LATER RESTAURANT	3750 E UNIVERSITY AVE	C Liquor
(S)	REGAL LIQUORS #1	3424 M L KING PKWY	E Liquor
(T)	SHOP N SAVE #2	1372 E 14TH ST	E Liquor
(U)	TARGET T2041	5901 DOUGLAS AVE	E Liquor
(V)	TAVERN SOUTH PIZZA & PASTA	1106 ARMY POST RD	C Beer/Wine
(W)	TEQUILA MEXICAN RESTAURANT	2824 EASTON BLVD	C Liquor

5. [On](#) consideration of Class C Liquor License for 101 Lounge, 102 3rd Street.

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

PUBLIC IMPROVEMENTS

7. [Approving](#) and authorizing execution of Iowa Department of Transportation (IDOT) Preconstruction Agreement for the Ingersoll Run Phase 2 Storm Sewer Outlet.

[\(Council Communication No. 07-741\)](#)

8. [Approving](#) Private Construction Contract between Gator Excavating, Inc. and Koester Construction Co., Inc. for sanitary sewer improvements at 1815 High Street, \$4,500.

9. Accepting completed construction and approving final payment for the following:

(A) [Corell](#) Contractor, Inc. – Sargent Park Improvements – Phase 1.

(B) [Larson](#) & Larson Construction, LLC – Principal Park Seating Expansion and Outfield Improvements.

(C) [J. Pettiecord](#) Inc. - Agrimergent Technology Park – Clearing & Grubbing Contract No. 2.

(D) [Ryan](#) Companies US, Inc. – Skywalk 11C-11D, Allied Phase 2 to Allied Garage.

(E) [Ti-Zack](#) Concrete, Inc. – 2007 Designated Neighborhood Sidewalk Replacement – Contract 1.

SPECIAL ASSESSMENTS

10. [Levying](#) assessments for cost of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2007-19.
11. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for December 2007.

LAND/PROPERTY TRANSACTIONS

12. [Acceptance](#) of real estate documents and acquisition settlement of \$1,395,000 for undeveloped land located at the northwest corner of SW 42nd Street and Army Post Road from Dodge Investment Company, Inc. for the Airport Runway 13R/31L Project.

[\(Council Communication No. 07-742\)](#)

13. [Approving](#) final subdivision plat for Carman Estates Plat 6, located at 5800 SE 24th Street.

[\(Council Communication No. 07-729\)](#)

14. [Approving](#) tax abatement applications (44) for additional value added by improvements made during 2007.

[\(Council Communication No. 07-732\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Receipt](#) of 2007-08 Goals and Action Plan for City of Des Moines Youth Advisory Board.

COMMUNICATIONS FROM PLANNING AND ZONING

16. [Regarding](#) request from Triad Development for approval of preliminary subdivision plat for Grandview Meadows, located at 4301 Grandview Avenue, subject to conditions.

17. [Regarding](#) request from Midtown Heights, LLC for approval of preliminary subdivision plat for Midtown Heights, located at 2110 High Street, subject to conditions.
18. [Regarding](#) 180-day moratorium on the approval of any site plans for vehicle display lots.

SETTING DATE OF HEARINGS

19. [On](#) request from Tim Hildebrandt to rezone property in the vicinity of 2680 E. Payton Avenue from “R1-80” (One Family Residential) to “R-3” (Multiple-Family Residential) to allow a 50 unit assisted living residential apartment complex, (1-7-08).
20. On appeals of the denial of a Certificate of Appropriateness for demolition of the following, (1-28-08):
 - (A) [Kingsway](#) Cathedral, 901 19th Street.
 - (B) [Two](#)-story brick building, 900 18th Street.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. [Approving](#) payment of \$7,860.28 to Ahlers & Cooney, P.C. for services concerning financing in the River Point West Project.
22. [Approving](#) payment of \$266 to Ahlers & Cooney Law Firm for environmental legal services for the SE Connector Project.
23. [Approving](#) payment of \$1,309.14 to Hall & Associates for services related to the Combined Sewer System and Combined Sewer Outflows related to the NPDES permit.
24. [Approving](#) payment of settlements by City Attorney, not exceeding \$5,000.
25. [Approving](#) payment of \$855.81 to Enterprise Rent-A-Car as the result of motor vehicle accident.
26. [Approving](#) payment of \$1,013 to Keyanna Williams for property damage as the result of a sewer backup.

27. [Approving](#) payment of \$5,000 to Allied Insurance, \$2,085 to Browns Dirt Works, L.L.C. and \$23,920.55 to Marjorie Stilley as the result of sewer backup at 1400 Cummins Parkway.

CITY MANAGER COMMUNICATIONS

28. [Submitting](#) travel request for Jonathan Lund, Eric Nevins, Gerald Pettegrew and Venkata Yarlagadda.

[\(Council Communication No. 07-743\)](#)

APPROVING

29. [Fiscal](#) Year 2005 Continuum of Care (COC) Closeout Certification Documents.

30. [Economic](#) Development Loan Agreement between City of Des Moines and Excell Marketing, LC for expansion of the existing building at 5501 Park Avenue and the addition of 25 new full-time positions.

[\(Council Communication No. 07-733\)](#)

- (A) [Approving](#) settlement in the amount of \$100,000 of storm water utility funds, to Excell Marketing, L.C., 5501 Park Avenue.

31. [Adoption](#) of “Goals To Make Des Moines A Bicycle Friendly Community”.

[\(Council Communication No. 07-735\)](#)

32. [Receipt](#) of Project Safe Neighborhoods 2007 Anti-Gang Initiative grant award for \$106,984.

[\(Council Communication No. 07-728\)](#)

33. [Civil](#) Service Entrance List for Wastewater Operator Specialist.

34. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 17 and December 24, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the week of December 17, 2007; and to draw checks for bi-weekly payroll due December 21, 2007.

35. Bids from the following:

- (A) [Karl](#) Chevrolet for six (6) Tactical Team Equipment Sport Utility Vehicles to be used by the Weapons of Mass Destruction (WMD) Tactical Officers Task Force Leadership Committee, \$265,398. (Eleven bids mailed, three received). **(Deferred from the 12-03-07 Council meeting)**

[\(Council Communication No. 07-727\)](#)

- (B) [New](#) Image Technologies for non-competitive procurement for a replacement document management system (Keyfile) to be used by the Police Department, \$45,617.

[\(Council Communication No. 07-726\)](#)

- (C) [RAE](#) Systems for non-competitive procurement for environmental monitoring equipment to be used by the Homeland Security Bureau, \$38,150.

[\(Council Communication No. 07-752\)](#)

ORDINANCES - FINAL CONSIDERATION

- 36. [Zoning](#) Ordinance text amendment to allow the Board of Adjustment to grant exception to the residency requirement regarding commercial uses in “R-HD” Residential Historic District.

ORDINANCES - SECOND CONSIDERATION

- 37. [Amending](#) Chapter 114 of the Municipal Code regarding modification of Traffic Calming Proposals on 41st and 42nd Streets between University Avenue and Forest Avenue.

- (A) Final consideration of ordinance above, (waiver requested by Council Member Vlassis and Hensley), requires 6 votes.

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

ORDINANCES - FIRST CONSIDERATION

- 38. [Amending](#) Chapter 74 of the Municipal Code regarding fees for golf courses, lodges, park shelters and other park rentals, pool rental, Brenton Skating Plaza, Simon Estes Riverfront Amphitheater and vendors.

[\(Council Communication No. 07-753\)](#)

39. [Amending](#) Chapter 98 of the Municipal Code regarding charges for collection service, disposal of yard debris and sale and issuance of bags and stickers for yard debris.

[\(Council Communication No. 07-749\)](#)

- (A) Final consideration of ordinance above, (waiver requested by Council Member Hensley), requires 6 votes.

COMMUNICATIONS/REPORTS

40. [From](#) Michael Thompson, to speak regarding a donation from the City of Des Moines to the Moosaic Wine and Wicker Event at Prairie Meadows on February 15.
41. [Letter](#) and petition in opposition to the construction of the Waveland Bicycle/Pedestrian Trail north from behind 6059 N. Waterbury Road to 56th Street.
42. [Receipt](#) of quarterly reports from twenty-nine Neighborhood Based Service Delivery (NBSD) neighborhoods.

***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 43 THRU 51)

43. [On](#) appeal from Cody Fleming, 6509 SW 16th Street, of the Administrative Hearing Officer's decision regarding his dog.
44. [On](#) appeal of Permit and Development Administrator's decision to deny Plat of Survey for land in the vicinity of 3630 120th Avenue (located within the two mile jurisdiction area).

[\(Council Communication No. 07-730\)](#)

45. [On](#) vacation and conveyance of an easement for subsurface and air space adjoining 707 8th Street to Principal Life Insurance Company, \$2,917.

[\(Council Communication No. 07-746\)](#)

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

46. On vacation and conveyance of air space easement above Park Street, between 7th and vacated 8th Street, to Principal Life Insurance Company, \$594.

(Council Communication No. 07-745)

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

47. On vacation and conveyance of north/south alley right-of-way from Thornton Avenue to Rose Avenue, between SW 3rd Street and SW 4th Street, to adjoining property owners, \$725.

(Council Communication No. 07-744)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by Polk County Health Services, Inc.), requires 6 votes.

- ~~48. On intent to acquire property and authorize acquisition of private property interests thereof from Mabel B. Nicolino for the SE Connector Project SW 2nd to SE 6th Phase.~~

49. Items regarding the E. Indianola Avenue Widening Project:

- (A) Authorization to proceed with acquisition of necessary right-of-way and easements for the E. Indianola Avenue Widening.

(Council Communication No. 07-748)

- (B) Hearing on intent to acquire agricultural property and authorize acquisition of the necessary property interests thereof from Lemar Koethe for property at the northeast corner of Army Post Road and E. Indianola Avenue.
- (C) Hearing on intent to acquire property for recreational trail purposes and authorize acquisition of the necessary property interests thereof from various property owners.

50. [On](#) development agreement with Mesaba Airlines, Inc. for property at the Des Moines International Airport, **and to continue to January 7, 2008 at 5:00 P.M.**
51. [On](#) Police Station Emergency Generator: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Stroh Corporation, (Patrick J. Miller, President/CEO), \$441,000.

[\(Council Communication No. 07-747\)](#)

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

****END HEARINGS AT _____ P.M.****

APPROVING

52. [Intergovernmental](#) 28E Agreement with Neighborhood Development Corporation extending the period from December 1, 2007 to November 30, 2012.

[\(Council Communication No. 07-734\)](#)

53. [Metropolitan](#) Coalition Agreement with the Cities of West Des Moines, Dubuque, Cedar Rapids, Iowa City, Sioux City, Ames, Council Bluffs and Davenport to work collaboratively with the Iowa League of Cities in legislative matters.

54. [Thrivent](#) Builds Neighborhoods Coalition Implementation Phase Memorandum of Understanding regarding King Irving and Mondamin Presidential Neighborhood Action Plan.

[\(Council Communication No. 07-731\)](#)

55. [Proposal](#) for provision of IT Strategic Planning Services and authorizing City Manager to negotiate and execute contract with Plante Moran, PLLC, \$135,000.

[\(Council Communication No. 07-750\)](#)

56. [Acceptance](#) of donation of "Mother's Pearl" sculpture from Barbara and Michael Gartner to be displayed at Principal Park.

[\(Council Communication No. 07-751\)](#)

57. [License](#) Agreement with Edmundson Art Foundation, Inc. d/b/a The Des Moines Art Center for installation and maintenance of a sculpture entitled Nomade at “Western Gateway Park”.

([Council Communication No. 07-736](#))

58. Items regarding Central Iowa Employment and Training Consortium, (CIETC):
- (A) [Approving](#) settlement agreement.
 - (B) [Approving](#) payment of Attorney fees.

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) [1548](#) 23rd Street, Titleholder: Adair Holdings, LLC.
 - (B) [2239](#) Logan Avenue, Titleholder: Myers, McFadden & Connelly; Contract Buyer: Mark A. Swatta.
 - (C) [401](#) Forest Avenue, Titleholder: Steven J. Addy; Contract Buyers: William E. Clark and Daelene L. Clark (Deferred from 10/22/07).

1-I. [Release](#) of Fire escrow account held for the structure located at 3008 E. 12th Street.

COMMUNICATIONS

2. Regarding demolition cost reserve held for fire-damaged structures at the following locations:

(A) ~~Auto Owners Insurance Company for 3008 E. 12th Street.~~

(B) [Shelter](#) Insurance Company for 913 Army Post Road.

MOTION TO ADJOURN AT _____ P.M.



Des Moines All-America City
1949 1976 1981 2003