



**\*\*\* 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 '09-' 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**

**January 5, 2009 4:30 P.M.**

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

- [09-001](#) 1. **ROLL CALL: Present: Cownie, Hensley, Kiernan, Mahaffey, Meyer and Vlassis. Absent: Coleman. Council Member Coleman entered the meeting during item I.**
  
- [09-002](#) I. **Communication 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, (continued from December 22, 2008). Moved by Hensley to refer the request of Mary Ann Aguilar-Gomez for release of the City of Des Moines lien against 714 S.E. 10<sup>th</sup> Street to the City Manager and the City Attorney, with directions to prepare and for the City Manager to sign a release of the lien, in a form approved by the City Attorney, if the documents and information requested by the City Council and City Attorney are provided in a form satisfactory to the City Manager and City Attorney. Motion Carried 7-0.**
  
- [09-003](#) II. **Approving recommendation of Mayor Cownie for appointment of Council Member Tom Vlassis as Mayor Pro Tem for 2009. Moved by Coleman to adopt. Motion Carried 7-0.**
  
- [09-004](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Vlassis to adopt. Motion Carried 7-0.**

\* \* \* \* \*

**\*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.**

[09-005](#)

3. APPROVING CONSENT AGENDA – items 3 through 15: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

### LICENSES AND PERMITS

[09-006](#)

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

### RENEWAL APPLICATIONS

(A)	A DONG RESTAURANT	1511 HIGH ST	C Beer/Wine
(B)	BIG DOG BILLIARDS	2200 E EUCLID AVE	C Liquor
(C)	CASEYS GENERAL STORE #2244	2150 E ARMY POST	C Beer
(D)	CASEYS GENERAL STORE #2641	2849 E EUCLID AVE	C Beer
(E)	CONEY ISLAND #2	3700 SW 9TH ST	B Beer
(F)	EL RANCHO ALEGRE	3308 INDIANOLA	B Beer
(G)	FEDERAL DISTRIBUTORS INC	3000 E GRAND AVE	C Beer/Wine
(H)	GIT N GO STORE #18	6501 SE 14TH ST	C Beer
(I)	GIT N GO STORE #32	2911 DOUGLAS AVE	C Beer
(J)	HIGHLAND PARK POST NO 374	3712 2ND AVE	A Liquor
(K)	JIFFY #924	3718 SW 9TH ST	C Beer
(L)	JOSEPPES (LOWER LEVEL)	1930 SE 14TH ST	C Liquor
(M)	JOHNNY MACS BAR & GRILL	2279 HUBBELL AVE	C Liquor
(N)	MEXICAN MARKET	1456 2ND AVE	C Beer
(O)	REGAL LIQUORS #1	3424 ML KING PKWY	E Liquor
(P)	ROLLING WOK CAFE	1534 E GRAND AVE	C Beer/Wine
(Q)	SHOP N SAVE #2	1372 E 14TH ST	E Liquor
(R)	TARGET T2041	5901 DOUGLAS AVE	E Liquor
(S)	TOBACCO OUTLET PLUS #521	2601 E EUCLID AVE	C Beer
(T)	TROPHYS SPORTS BAR	2701 DOUGLAS AVE	C Liquor

### SPECIAL EVENT APPLICATIONS

- (U) IOWA ARBORETUM 730 3RD ST Five (5) Day License  
Class B Native Wine License for Home & Garden Show on February 12-16, 2009.

[09-007](#)

5. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

- [09-008](#) 6. [Accepting](#) completed construction and approving final payment for 2008 Expanded Street Resurfacing Program – Contract 1, OMG Midwest, Inc. d/b/a Des Moines Asphalt and Paving. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- [09-009](#) 7. [Approving](#) deletion of NAC-Emergency Assessment at 1600 Euclid. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

- [09-010](#) 8. [Release](#) of Subdivision Improvement Bond No. IAC66611 from Merchants Bonding Company in the amount of \$3,330 as security for satisfactory completion of the required as-built survey costs for Airport Commerce Park South Plat 2. ([Council Communication No. 09-002](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-011](#) 9. [Authorization](#) to acquire necessary right-of-way for the SE 14<sup>th</sup> Street and E. Indianola Avenue Intersection Improvement Project. ([Council Communication No. 09-003](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-012](#) 10. [Authorization](#) to proceed with acquisition of necessary right-of-way for the 2008 Storm Sewer Repair Project-Contracts 2 and 3. ([Council Communication No. 09-006](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-013](#) 11. [Approving](#) Property Acquisition Settlement Agreement with Benjamin A. Zenti, property owner at 401 SE 4<sup>th</sup> Street and CEE-Ver Products, Inc., tenant for Southeast Connector Project – SW 2<sup>nd</sup> to SE 6<sup>th</sup> Street Phase. ([Council Communication No. 09-012](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-014](#) (A) [Resolution](#) Setting the Date of Hearing for Acceptance and Approval of the Offer of Purchase from L & B Enterprises (d/b/a Central Wire & Iron, Benjamin and Louis Zenti, Owners, 401 SE 4th Street) for Disposition Parcel No. 31A in the Guthrie Avenue Business Park Urban Renewal Area; and Setting the Date of Hearing for the Approval of the Urban Renewal Development Agreement with L & B Enterprises and approving form of Special Warranty Deed for conveyance of property, (1-12-09 at 7:30 AM). **Moved by Vlassis to approve. Motion Carried 7-0.**

**SETTING DATE OF HEARINGS**

- [09-015](#) 12. On proposed Zoning Ordinance text amendment, to automatically adjust the required setback and lot area, to compensate for a reduction in the setback or lot area resulting from the involuntary acquisition of land for a public purpose, (1-26-09). ([Council Communication No. 09-009](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-016](#) 13. On Signatory Airline Operating Agreement with American Eagle Airlines, Inc, regarding airline operations at the Des Moines International Airport, through June 30, 2013, (1-26-09). ([Council Communication No. 09-008](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-017](#) 14. On request from Hubbell Realty Company, to rezone property at 5525 SE 14<sup>th</sup> Street from Ltd. “R-3” (Multiple-Family Residential) to “R-3”, removing limitation of senior residential housing on multiple-family dwellings and allowing for up to 240 multiple-family residential dwellings, (1-26-09). ([Council Communication No. 09-010](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

**APPROVING**

- [09-018](#) 15. Authorizing Finance Director to draw checks on registers for the weeks of January 5, January 12, and January 19, 2009; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 29, 2008, January 5, January 12, and January 19, 2009; and to draw checks for biweekly payroll due employees on January 16, 2009. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

**ORDINANCES - FIRST CONSIDERATION**

- [09-019](#) 16. Amending Ordinance No. 14,797, to further extend the temporary waiver of permit and application fees through June 2009, for the repair, renovation or replacement of structures damaged by the recent 2008 flooding. ([Council Communication No. 09-011](#)) **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [09-020](#) (A) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes. **Moved by Mahaffey 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, #14,828. Motion Carried 7-0.**

- [09-021](#) 17. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: ([Council Communication No. 09-001](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage; refer item (A) back to City Manager, Planning and Traffic and Transportation for review and recommendation. Motion Carried 7-0.**
- (A) Parking restriction on the north side of Ingersoll Avenue west of 28<sup>th</sup> Street to allow for the smooth transition of traffic through the area.
- (B) Corner Clearance – North side of Pleasant Drive east of Ronwood Drive.

#### COMMUNICATIONS/REPORTS

- [09-022](#) 18. [Request](#) from Civic Center of Greater Des Moines, to implement an ordinance prohibiting resale of tickets for admission to a place of entertainment. **Moved by Vlassis to receive file and refer to City Manager and City Legal for review and recommendation. Motion Carried 7-0.**

#### HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 19 THRU 22)

- [09-023](#) 19. [On](#) amendment to the Silver Leaf PUD Conceptual Plan for property at 5100 NE 38<sup>th</sup> Avenue, (continued from December 22). **Moved by Vlassis to continue to January 26, 2009. Motion Carried 7-0.**
- [09-024](#) 20. [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. ([Council Communication No. 09-005](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-025](#) (A) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [09-026](#) (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 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, [#14,829](#). Motion Carried 7-0.**
- [09-027](#) 21. [On](#) conveyance of portions of the vacated north/south alley adjoining 1535 29<sup>th</sup> Street to Denis and Nancy Wolf-Keith, \$50; and adjoining 1534 28<sup>th</sup> Street to Filice L. Williams, \$50. ([Council Communication No. 09-004](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-028](#) 22. On intent to acquire property for recreational trail purposes and authorize acquisition of the necessary property for the Waveland Trail, Phase 1 Project. **Moved by Hensley to continue the public hearing until January 26, 2009, at 5:00 PM, in the Council Chambers. Motion Carried 7-0.**

**\*\*END HEARINGS AT 5:04 P.M.\*\***

#### **APPROVING**

- [09-029](#) 23. Receipt of recommendations from various City Boards and Commissions, regarding the 2 Rivers District Plan, generally bounded by the Raccoon River and Des Moines River to the north, SE 1<sup>st</sup> to the east, Indianola Avenue and Indianola Road to the south, and SW 7<sup>th</sup> Street to the west. (Council Communication No. 09-007) **Moved by Meyer to receive and file recommendations and direct the Community Development Director to initiate appropriate land use amendments and zoning designations to support and reflect the intent of the 2 Rivers District Plan. Motion Carried 7-0.**

- [09-030](#) 24. Support for an application to the Iowa Housing Finance Authority, for Low-Income Housing Tax Credits for development of 140 units of affordable housing at 2 9<sup>th</sup> Street, to be operated by the YMCA. (Council Communication No. 09-013) **Moved by Kiernan to adopt. Motion Carried 7-0.**

#### **EXTRA ITEMS**

- [09-031](#) 1. Recommendation from Council Member Meyer to appoint Tim Rypma to the Urban Design Review Board, Seat 7, for a three-year term commencing June 30, 2008 to expire June 30, 2011. Sponsor: Meyer. **Moved by Meyer to adopt. Motion Carried 7-0.**

#### **BOARD OF HEALTH**

- [09-032](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a 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:

- [09-033](#) (A) 1203 Forest Avenue, garage structure, Titleholder: Mary D. Amerson. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**WITHDRAWN**

- [09-034](#) (B) ~~1702 Forest Avenue, main structure, Titleholder: Maggie Funding, LLC.~~

- [09-035](#) (C) [2801](#) Hickman Road, main structure (fire-damaged), Titleholder: David W. Dunn; Mortgage Holder: US Bank Nat. Assn. f/k/a Valley Nat. Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-036](#) (D) [417](#) Titus Avenue, main structure, garage structure, and accessory structure Titleholder: Sandra L. Hitchman; Mortgage Holder: Citimortgage, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-037](#) (E) [1552](#) 23<sup>rd</sup> Street, main structure, Titleholders: Augustine Akpan and Inie Clement; Contract Buyer: Kathryn Guile a/k/a Kathryn Byron. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-038](#) (F) [1335](#) E. 40<sup>th</sup> Street, main structure and accessory structure, Titleholder: Kimberly R. Clark and Kimberly R. Clark Trustee for Skyler R. Burning, Minor Child; Mortgage Holder: Bank of the West. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.**
- [09-039](#) (G) [2509](#) E 41<sup>st</sup> Street, main structure and garage structure, Titleholder: Heirs of Wallace Wedlund; Mortgage Holder: Norwest Bank Iowa, NA, n/k/a Wells Fargo Bank NA. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-040](#) 2. [The](#) release of the fire escrow account held for the structure located at 3111 Douglas Avenue. The date of loss: 8/29/2006. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-041](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 5:19 PM. Motion Carried 7-0.**

View City Council agendas online at [www.dmgov.org](http://www.dmgov.org)



All-America City  
1949 1976 1981 2003