



*** 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 '08-' 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

February 25, 2008 4:30 P.M.

SPECIAL PRESENTATIONS – 4:15 P.M.

[Recognition](#) of Toyota of Des Moines

PROCLAMATIONS – 4:15 P.M.

[Central](#) Iowa Saves Week

INVOCATION: Council Member Tom Vlassis, Ward I

- [08-277](#) 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis.**
- [08-278](#) 1. [Presentation](#) by the Greater Des Moines Convention and Visitors Bureau. **Moved by Coleman to receive and file. Motion Carried 7-0.**
- [08-279](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Kiernan 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.

[08-280](#)

- 3. APPROVING CONSENT AGENDA – items 3 through 43: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

[08-281](#)

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

NEW APPLICATIONS

- (A) LA HACIENDA 111 ARMY POST RD C Liquor
- (B) TASTE TO GO AND CATERING 75 E ARMY POST RD C Beer/Wine

RENEWAL APPLICATIONS

- (C) B & B 2712 BEAVER AVE C Liquor
- (D) CENTRAL CITY LIQUOR 1460 2ND AVE E Liquor
- (E) DAHLS FOODS 3425 INGERSOLL AV E Liquor
- (F) GIT N GO STORE #10 816 E EUCLID AVE C Beer
- (G) HAWKEYE PANTRY 501 LOCUST ST E Liquor
- (H) HOTEL FORT DES MOINES 1000 WALNUT ST B Liquor
- (I) HY VEE FOOD STORE #3 3221 SE 14TH ST E Liquor
- (J) HY VEE WINE & SPIRITS 2310 HUBBELL AVE E Liquor
- (K) J BENJAMINS 5800 FRANKLIN AVE C Liquor
- (L) LIARS CLUB 216 COURT AVE C Liquor
- (M) LINNS SUPER MARKET 3805 6TH AVE C Beer
- (N) MARGARET'S 3020 FOREST AVENUE C Liquor
- (O) RACCOON RIVER BREWING CO 200 10TH ST C Liquor
- (P) SCORNOVACCAS PIZZA 3900 E 14TH ST B Beer
- (Q) THAI FLAVORS 1254 E 14TH ST C Beer/Wine
- (R) WINSTONS PUB AND GRILLE 601 LOCUST ST C Liquor

SPECIAL EVENT APPLICATIONS

- (S) LIARS CLUB 216 COURT AVE Five (5) Day License Class C Liquor License for St. Patrick’s Day Celebration on Court Avenue. Pending approval of Vice and Fire Departments.

[08-282](#)

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[08-283](#) (A) [Fleur Drive Bridge Over the Raccoon River Rehabilitation](#) – Receiving of bids, (3-25-08), and Setting date of hearing, (4-7-08). (Construction Estimate - \$1,577,664.00). [Council Communication No. 08-087](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-284](#) (B) [Ingersoll Run Storm Sewer – 34th Street to 35th Street](#) - Receiving of bids, (3-11-08), and Setting date of hearing, (3-24-08). (Construction Estimate \$748,641.00) ([Council Communication No. 08-086](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

7. Approving the following items regarding Carpenter Avenue Reconstruction from 30th Street to 31st Street:

[08-285](#) (A) [Resolution](#) approving petition and waiver from Drake University. **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-286](#) (B) [Resolution](#) of Necessity, Ordering Construction, approving preliminary plat and Schedule of Assessment and estimated cost. **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-287](#) (C) [Authorization](#) of Right of Way. ([Council Communication No. 08-089](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-288](#) 8. [Approving](#) Agreement with MidAmerican Energy for installation of underground electrical lines for the Dean’s Lake Pump Station, not to exceed \$41,736.61. ([Council Communication No. 08-084](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

[08-289](#) 9. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for January 2008. **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-290](#) 10. [Approving](#) Delinquent Sewer Rental and/ or Solid Waste/Stormwater Utility Credits for January 2008. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [08-291](#) 11. [Approving](#) acceptance of real estate documents for property located at 625 E. Court Avenue from Iowa State Bar Association. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-292](#) 12. [Establishing](#) fair market value for property at 1002 Allen Street for Southeast Connector Project – SE 6th Street to SE 14th Street Phase. ([Council Communication No. 08-085](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-293](#) 13. [Authorizing](#) release of easement for storm sewer right-of-way for property in vicinity of E. 33rd Street and Dubuque Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-294](#) 14. [Authorizing](#) release of easement for storm sewer right-of-way and accepting real estate documents for property at 2526 62nd Street from Chris and Dawn Vandell, \$1. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-295](#) 15. [Approving](#) Declaration of Covenants from Max and June N. Ten Hagen Trusts regarding property in 2700 Block of Highway 65/69 in Warren County. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-296](#) 16. [Approving](#) final plat for Eastern Mounds Plat 1 in vicinity of 4100 Indianapolis Avenue. ([Council Communication No. 08-092](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-297](#) 17. [Resolution](#) extending time allowed for recording of Forget Properties Plat 1, 4411 SE 14th. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-298](#) 18. [Approving](#) tax abatement applications (346) for additional value added by improvements made during 2007. ([Council Communication No. 08-094](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-299](#) 19. [Approving](#) Tax Abatement application for 6125 S.E. 16th Court. ([Council Communication No. 08-097](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-300](#) 20. [Approving](#) Tax Abatement application for the additional value added by improvements to 733 S.E. 27th Court to apply prospectively. ([Council Communication No. 080-095](#)) **Moved by Hensley to adopt, with the tax abatement to be applied prospectively. Motion Carried 7-0.**
- [08-301](#) 21. [Approving](#) Tax Abatement application for additional value added by improvements to 1010 Maury Street for an eight year period. ([Council Communication No. 08-096](#)) **Moved by Hensley to adopt, with the tax abatement to be applied prospectively. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [08-302](#) 22. [Recommendation](#) from Council Member Tom Vlassis to appoint Jeffrey Gronstal to Seat 4 on the Housing Appeals Board for a three-year term commencing March 16, 2007 to expire March 16, 2010. **Moved by Hensley to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [08-303](#) 23. [Regarding](#) request from Chris and Christie Hayes for approval of a preliminary subdivision plat "Hayes' Addition to Capitol Heights Plat No. 2" to allow division of property into two lots for single-family residential use, for property at 4353 NE Aurora Avenue in unincorporated Polk County, (within the City's two-mile extraterritorial jurisdiction for subdivision review), subject to conditions. **Moved by Hensley to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [08-304](#) 24. [On](#) ownership transfer of city-owned property at 11015 Beardsley to Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for the Southern Tier Pump Station Project, (3-10-08). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-305](#) 25. [On](#) 2007 HUD Consolidated Annual Performance and Evaluation Report (CAPER), (3-24-08). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [08-306](#) 26. [Approving](#) payment of \$24,568.74 to Bernard Bauer for a workers compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-307](#) 27. [Approving](#) payment \$21,966.23 Letitia Lamay, mother and next friend of Shauntrez Lamay, a minor, as the result of a motor vehicle accident. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-308](#) 27-I. [Approving](#) payment of \$7,294.08 to Smith Body & Paint, Inc. for a claim for property damage as a result of an auto accident on February 4, 2008. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [08-309](#) 28. [Submitting](#) travel requests for Bruce Braun, Richard Clark, Steve Lussier, Mindy Moore, Debra Richardson, Tom Vlassis, Stephen Waymire, and Venkata Yarlagadda. ([Council Communication No. 08-098](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-310](#) (A) [Approving](#) reappointment of Council Member Tom Vlassis to the Community and Economic Development Steering Committee of the National League of Cities, and approving travel and additional meetings, (sites and dates to be approved at a later date). **Moved by Coleman to adopt. Motion Carried 7-0.**

APPROVING

- [08-311](#) 29. [Notice](#) of Intent to request release of funds from U.S. Department of Housing and Urban Development (HUD) for a Self-Help Homeownership Opportunity Program (SHOP) Grant to Greater Des Moines Habitat for Humanity. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-312](#) 30. [Grant](#) request to Federal Home Loan Bank of Des Moines Affordable Housing Program by the City of Des Moines/West Bank to provide rehabilitation assistance in low-income owner-occupied housing. ([Council Communication No. 08-080](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-313](#) 31. [Certificate](#) of Completion for Nationwide Mutual Insurance Company's office expansion at 1100 Locust Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-314](#) 32. [Agreement](#) with Edmundson Art Foundation, Inc. d/b/a/ The Des Moines Art Center and Nationwide Mutual Insurance Company for donation of security services for Nomade Sculpture at "Western Gateway" Park. ([Council Communication No. 08-093](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-315](#) 33. [Exception](#) to competitive procurement process and payment of \$60,000 to the YMCA of Greater Des Moines for replacement of the gymnasium floor at the John R. Grubb YMCA. ([Council Communication No. 08-091](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-316](#) 34. [Sponsorship](#) Agreement Amendment with Toyota of Des Moines to extend sponsorship for one additional year to support Park and Recreation programs. ([Council Communication No. 08-090](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [08-317](#) 35. [Issuance](#) of Request for Proposals (RFP) for single-stream recyclables processing. ([Council Communication No. 08-081](#)) **Moved by Hensley to adopt; refer to the City Manager to schedule a Council workshop to discuss solid waste and recycling. Motion Carried 7-0.**

****Council considered Hearing Items 47 thru 53 next****

- [08-318](#) 36. [Communication](#) from Downtown Community Alliance requesting approval on behalf of Mercy Medical Center to approve banner design for 22 banners in downtown on East Locust Street. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**

37. Bids for the following:

- [08-319](#) (A) [Blackbox](#) Network Services for phone system upgrade equipment per State of Iowa Contract for use by Information Technology (IT) Department, \$195,283.36. ([Council Communication No. 08-102](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [08-320](#) (B) [Ennis](#) Paint for traffic paint per State of Iowa Department of Transportation (IDOT) Contract for use by the Engineering Department, Traffic & Transportation Department, \$25,088.80 plus freight. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [08-321](#) (C) [Havis-Shields](#) for non-competitive procurement of mobile data radio equipment to use with the City's existing mobile data system, \$41,544.21. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [08-322](#) (D) [Tough](#) Solutions for Panasonic laptop computers per State of Iowa Contract for use by the Police Department, Patrol Division, \$352,514.86. ([Council Communication No. 08-105](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

****Council considered Item 43 thru 46 next****

- [08-323](#) 38. [Receipt](#) of the Legislative Update for the 82nd Iowa General Assembly. **Moved by Hensley to receive and file the report. Motion Carried 7-0.**

- [08-324](#) 39. [Civil](#) Service Entrance Lists for Transcriber Typist and Police Information Typist and Promotional List for Fleet Services Master Mechanic II. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[08-325](#)

- 40. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of February 25 and March 3, 2008; to draw checks for the bills of the [Des Moines Municipal Housing Agency](#) for the weeks of February 25 and March 3, 2008; and to draw checks for biweekly payroll due February 29, 2008. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES – FINAL CONSIDERATION

[08-326](#)

- 41. [Amending](#) Chapters 10, 78 and 102 of the Municipal Code regarding permits and licenses for street use, temporary outdoor service, peddlers and transient merchants as related to street use events. **Moved by Hensley that this ordinance do now pass, [#14,745](#). Motion Carried 7-0.**

ORDINANCES – SECOND CONSIDERATION

[08-327](#)

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

(A) Parking Revision – Public Library Lots.

(B) Parking Revisions – West side of 24th Street between Carpenter and University.

(C) Parking Restriction – Both Sides of Pleasant View Drive at Dead-End, east of SW 5th Street.

(D) Parking Restriction – North Side of E. Watrous Avenue, west of Indianola Avenue.

(E) Request for Loading Zone – 1500 block of E. Grand Avenue.

[08-328](#)

- 43. [Amending](#) Chapter 42 of the Municipal Code regarding noise control, as amended. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[08-329](#)

- (A) Final consideration of ordinance above. **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, [#14,746](#). Motion Carried 7-0.**

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

ORDINANCES – FIRST CONSIDERATION

44. Items regarding the regulation of Transient Merchants and the sale of food and merchandise from temporary facilities:

[08-330](#) (A) First consideration of ordinance amending the definition of Transient Merchant and removing the exemption for merchants with a one-year lease. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[08-331](#) (B) Second consideration of ordinance making comprehensive amendments to the regulation and licensing of Transient Merchants and sales from temporary locations. **Moved by Meyer to defer until a public hearing has been held and a commission of interested parties has been formed. Motion Carried 7-0.**

[08-332](#) 45. Amending Section 118-149 of the Municipal Code regarding sewer service charges. (Council Communication No. 08-104) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Mahaffey.**

COMMUNICATIONS/REPORTS

[08-333](#) 46. From Benjamin Easter, 2000 Walker, to speak regarding animal control on the east side of Des Moines. **Moved by Hensley to receive and file comments and petition. Motion Carried 6-1. Absent: Mahaffey.**

Council considered Items 54 thru Board of Health next

HEARINGS (OPEN AT 5:13 P.M.) (ITEMS 47 THRU 53)

47. On the following items:

[08-334](#) (A) Amendment to the Annual Budget for the current fiscal year ending June 30, 2008. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

[08-335](#) (B) Proposed Annual Budget for the fiscal year ending June 30, 2009 and Capital Improvements Program for fiscal years 2008-09 to 2013-2014. (Council Communication No. 08-103) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

[08-336](#) (C) Approving diminution of one position in job classification for Engineering Laboratory Technician. **Moved by Hensley to adopt. Motion Carried 6-1. Nays:**

Coleman.

- [08-337](#) 48. On adoption of the proposed Resolution of Necessity for street improvements for the following: **Moved by Vlassis to adopt as amended by the Schedule of Amendments; delete E. 21st Street from Milton to dead end North and Maine Street from University to Indiana. Motion Carried 7-0.**
- APPROVED (A) SW 5th Street from Broad to Virginia.
- [08-338](#) (1) Petition in favor. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- DELETED (B) E. 21st Street from Milton to dead end North. **(Deleted from Schedule of Amendments).**
- [08-339](#) (1) Petition in favor. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- [08-340](#) (2) Petition in objection. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- DELETED (C) Maine Street from University to Indiana. **(Deleted from Schedule of Amendments).**
- [08-341](#) (D) Authorization for acquisition of right-of-way for SW 5th Street and ~~Maine Street~~. **(Council Communication No. 08-088) Moved by Vlassis to adopt; delete Maine Street from University to Indiana. Motion Carried 7-0.**
- [08-342](#) 49. On assessment of \$1,500 penalty and a 30-day suspension of liquor license for Family Pantry Store at 4538 Lower Beaver Rd. for violation of Iowa Alcoholic Beverage Laws. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-343](#) 50. On assessment of \$500 penalties to Alcoholic Beverage License Holders for violation of Iowa Alcoholic Beverage Laws. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-344](#) 51. On appeal by Trafalgar Properties, L.C. of Historic Preservation Commission Ruling for denial of Certificate of Appropriateness for proposed new garage at 1520 Center Street, **(Council Communication No. 08-083) Moved by Hensley to continue the public hearing until April 21, 2008 at 5:00 P.M. Motion Carried 7-0.**
- [08-345](#) 52. On reconsideration of request from Iowa Association of Community College Trustees to rezone 800 E. Court Avenue from “R-4” (Multiple-Family Residential) to “C-1” (Neighborhood Retail Commercial) (to correct error in the legal description of Ordinance 14,730 of December 3, 2007). **Moved by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [08-346](#) (A) First consideration of ordinance above. **Moved by Mahaffey that this ordinance be**

considered and given first vote for passage. Motion Carried 7-0.

[08-347](#) 52. (B) Final consideration of ordinance above, (waiver requested by applicant), 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, [#14,747](#). Motion Carried 7-0.**

[08-348](#) 53. On Lease Agreement with St. Joseph's Church for parking on Grandview Park parking lot at E. 33rd Street and Easton Blvd. ([Council Communication No. 08-082](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

END HEARINGS AT 6:17 P.M.

APPROVING

[08-349](#) 54. Intergovernmental 28E Agreement with Polk County Emergency Management Commission for funding of Emergency Management Administration and reappointing the Chief of the Fire Department as the City's standing representative to the Commission. ([Council Communication No. 08-079](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Mahaffey.**

[08-350](#) 55. Amendment to Schedule of Fees for Emergency Medical Services under Chapter 38 of the Municipal Code. ([Council Communication No. 08-078](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Mahaffey.**

BOARD OF HEALTH

[08-351](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Mahaffey.**

APPROVING

[08-352](#) 1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at 1130 19th Street, Garage, Titleholder: Jack H. Stuart. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Mahaffey.**

[08-353](#) MOTION TO ADJOURN. **Moved by Kiernan to adjourn at 7:00 P.M. Motion Carried 6-1. Absent: Mahaffey.**

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