

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

1. ROLL CALL:

- I. [Communication](#) from Mary Ann Aguilar-Gomez, 714 SE 10th Street requesting to speak regarding release of a lien on her flood-damaged home, (continued from December 22, 2008).
- II. [Approving](#) recommendation of Mayor Cownie for appointment of Mayor Pro Tem for 2009.

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 15:

LICENSES AND PERMITS

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

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)	JOESEPPES (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.

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

PUBLIC IMPROVEMENTS

- 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.

SPECIAL ASSESSMENTS

- 7. [Approving](#) deletion of NAC-Emergency Assessment at 1600 Euclid.

LAND/PROPERTY TRANSACTIONS

- 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.

[\(Council Communication No. 09-002\)](#)

- 9. [Authorization](#) to acquire necessary right-of-way for the SE 14th Street and E. Indianola Avenue Intersection Improvement Project.

[\(Council Communication No. 09-003\)](#)

10. [Authorization](#) to proceed with acquisition of necessary right-of-way for the 2008 Storm Sewer Repair Project-Contracts 2 and 3.

[\(Council Communication No. 09-006\)](#)

11. [Approving](#) Property Acquisition Settlement Agreement with Benjamin A. Zenti, property owner at 401 SE 4th Street and CEE-Ver Products, Inc., tenant for Southeast Connector Project – SW 2nd to SE 6th Street Phase.

[\(Council Communication No. 09-012\)](#)

- (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).

SETTING DATE OF HEARINGS

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).

[\(Council Communication No. 09-009\)](#)

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).

[\(Council Communication No. 09-008\)](#)

14. [On](#) request from Hubbell Realty Company, to rezone property at 5525 SE 14th 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).

[\(Council Communication No. 09-010\)](#)

APPROVING

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.

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

ORDINANCES - FIRST CONSIDERATION

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.

[\(Council Communication No. 09-011\)](#)

- (A) [Final](#) consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.

17. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

- (A) Parking restriction on the north side of Ingersoll Avenue west of 28th Street to allow for the smooth transition of traffic through the area.
- (B) Corner Clearance – North side of Pleasant Drive east of Ronwood Drive.

[\(Council Communication No. 09-001\)](#)

COMMUNICATIONS/REPORTS

18. [Request](#) from Civic Center of Greater Des Moines, to implement an ordinance prohibiting resale of tickets for admission to a place of entertainment.

***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 19 THRU 22)

19. [On](#) amendment to the Silver Leaf PUD Conceptual Plan for property at 5100 NE 38th Avenue, (continued from December 22), **and to continue to January 26, 2009 at 5:00 P.M.**
20. [On](#) vacation and conveyance of a segment of the east/west alley and a segment of the north/south alley between 24th and 25th Streets, north of Rollins Avenue and south of Interstate 235 to R. M. Madden Construction Inc., \$275.

[\(Council Communication No. 09-005\)](#)

- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
21. [On](#) conveyance of portions of the vacated north/south alley adjoining 1535 29th Street to Denis and Nancy Wolf-Keith, \$50; and adjoining 1534 28th Street to Filice L. Williams, \$50.

[\(Council Communication No. 09-004\)](#)

22. [On](#) intent to acquire property for recreational trail purposes and authorize acquisition of the necessary property for the Waveland Trail, Phase 1 Project and **to continue to January 26, 2009, at 5:00 PM, in order to comply with notice requirements.**

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

APPROVING

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 1st to the east, Indianola Avenue and Indianola Road to the south, and SW 7th Street to the west.

[\(Council Communication No. 09-007\)](#)

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 9th Street, to be operated by the YMCA.

[\(Council Communication No. 09-013\)](#)

EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

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.

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) [1203](#) Forest Avenue, garage structure, Titleholder: Mary D. Amerson.
 - ~~(B) [1702](#) Forest Avenue, main structure, Titleholder: Maggie Funding, LLC.~~
 - (C) [2801](#) Hickman Road, main structure (fire-damaged), Titleholder: David W. Dunn; Mortgage Holder: US Bank Nat. Assn. f/k/a Valley Nat. Bank.

- (D) [417](#) Titus Avenue, main structure, garage structure, and accessory structure
Titleholder: Sandra L. Hitchman; Mortgage Holder: Citimortgage, Inc.
 - (E) [1552](#) 23rd Street, main structure, Titleholders: Augustine Akpan and Inie Clement;
Contract Buyer: Kathryn Guile a/k/a Kathryn Byron.
 - (F) [1335](#) E. 40th 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.
 - (G) [2509](#) E 41st Street, main structure and garage structure, Titleholder: Heirs of
Wallace Wedlund; Mortgage Holder: Norwest Bank Iowa, NA, n/k/a Wells Fargo
Bank NA.
2. [The](#) release of the fire escrow account held for the structure located at 3111 Douglas
Avenue. The date of loss: 8/29/2006.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003