

DES MOINES CITY COUNCIL MEETING
January 8, 2007

Closed Session – 3: 30 P.M.
Municipal Housing Governing Board – 4:00 P.M.
Proclamations – 4:15 P.M.
Regular Council Meeting - 4:30 P.M.

I. CLOSED SESSION – 3:30 P.M.

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.

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SPECIAL PRESENTATIONS – 4:15 P.M.

Matt Rosen – Retiring Horticulture Manager

PROCLAMATIONS – 4:15 P.M.

Justice Sunday – January 12-15, 2007 (MLK Jr. Day of Service)

INVOCATION: Pastor Craig Robertson
Grant Park Christian Church

- 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 40:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	ACAPULCO	2510 INGERSOLL AVE	C Liquor
(B)	CASEYS GENERAL STORE #2641	2849 E EUCLID AVE	C Beer
(C)	ETC. Wine	555 WALNUT ST	B Native
(D)	FEDERAL DISTRIBUTORS INC Beer/Wine	3000 E GRAND AVE	C

RENEWAL APPLICATIONS

(E)	A DONG RESTAURANT Beer/Wine	1511 HIGH ST	C
(F)	BIG DOG BILLIARDS	2200 E EUCLID AVE	C Liquor
(G)	CASEYS GENERAL STORE #2322	4331 PARK AVE	C Beer
(H)	CHADS CLUB 2000	422 INDIANOLA AVE	C Liquor
(I)	CONEY ISLAND #2	3700 SW 9TH ST	B Beer
(J)	DES MOINES AIR NATIONAL GD Liquor	3100 MCKINLEY AV	A
(K)	DIAMOND JACKS	3000 E GRAND AVE	C Liquor
(L)	DOLLAR MART	2300 HICKMAN RD	C Beer
(M)	EL ARAGON	900 E ARMY POST RD	C Liquor
(N)	EL RANCHO ALEGRE	3308 INDIANOLA AVE	B Beer
(O)	GIT N GO STORE #18	6501 SE 14TH ST	C Beer
(P)	GIT N GO STORE #27	1240 KEOSAUQUA	C Beer
(Q)	GIT N GO STORE #29	4900 URBANDALE	C Beer
(R)	HIGHLAND PARK POST NO 374	3712 2ND AVE	A Liquor
(S)	JEFFY #924	3718 SW 9TH ST	C Beer
(T)	JOESEPE'S	1500 SE 1ST ST	C Liquor
(U)	JOHNNY MACS BAR & GRILL	2279 HUBBELL AVE	C Liquor
(V)	KWONG TUNG RESTAURANT Beer/Wine	2721 INGERSOLL AVE	C
(W)	MEXICAN MARKET	1456 2ND AVE	C Beer
(X)	PHO 777	1541 6TH AVE	B Beer
(Y)	ROOKIES	6151 THORNTON AVE	C Liquor
(Z)	TARGET T2041	5901 DOUGLAS AVE	E Liquor
(AA)	TOBACCO OUTLET PLUS #521	2601 E EUCLID AVE	C Beer

SPECIAL EVENTS APPLICATION

- (B) [Grimes](#) Asphalt & Paving Corporation – Cownie Soccer Stadium Plaza Improvements.
- (C) [Des](#) Moines Asphalt & Paving Company – 2006 Expanded Street Resurfacing Program – Contract 4.
- (D) [Elder](#) Corporation – SE 14th Street & Hartford Avenue Turn Lane Modifications.

SPECIAL ASSESSMENTS

- 11. [Levy](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders for (Public Works) Schedule No. 2007-01.
- 12. Approving deletion of NAC-Emergency Assessments for the following:
 - (A) [1343](#) 13th St.
 - (B) [1305](#) S. Union St.
- 13. [Approving](#) deletion of special assessment at 1548 2nd Pl.
- 14. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for November 2006.

LAND/PROPERTY TRANSACTIONS

- 15. [Approving](#) partial release of public utility easement at 2547 E. Porter Avenue to Christina Kelly.

[\(Council Communication No. 07-022\)](#)

- 16. [Approving](#) reduction of Subdivision Bond IAC 31935 in the amount of \$166,681 from Merchants Bonding Company (Mutual) as security for estimated cost of completing required sidewalk and recreation trail improvements to be reduced to \$78,368 for Easter Lake South Plat 2.

[\(Council Communication No. 07-009\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Recommendation](#) from Mayor Cownie for appointment of Council Member Robert Mahaffey to serve as a Director of Des Moines Community Investment Corporation.

- 17-I [Confirming](#) Mayor Frank Cownie's recommendation for Council Member Chris Coleman to serve as the City's representative on the Blank Park Zoo Foundation Board, pursuant to the Intergovernmental 28E Agreement.

18. [Recommendation](#) from Council Member Robert Mahaffey to appoint John M. Morrissey to Seat 5 on the Traffic Safety Committee for a three-year term commencing January 1, 2007 to expire December 31, 2010.

19. [Attendance](#) Reports for the various City Boards and Commissions for January 1, 2006 through December 31, 2006.

COMMUNICATIONS FROM PLANNING AND ZONING

20. [Regarding](#) request from Grand View College to vacate and convey east/west alley between Grandview Avenue and Boyd Street from E. 13th Street to E. 14th Street; segment of east/west alley between Morton Avenue and E. Sheridan Avenue from E. 14th Street to approximately 100 feet west; east/west and north/south alleys between Grandview Avenue and Morton Avenue from E. 13th Street to 250 feet west of E. 14th Street; and Grandview Avenue between E. 13th Street and E. 14th Street, subject to conditions.

SETTING DATE OF HEARINGS

21. [On](#) request from Grand View College to rezone property located at 1351 Grandview Avenue from "R1-60" (One-Family Low Density Residential) and "R-3" (Multiple Family Residential) to "PUD" (Planned Unit Development) and approve Conceptual Plan for "Grand View College-West Campus", subject to conditions, (1-22-07).

22. [On](#) request from Mid-America Group to rezone property proposed for voluntary annexation at 3930 SE 72nd Avenue in Polk County from "A-1" (Agricultural) to "PUD" (Planned Unit Development) and approve Conceptual Plan entitled "Harvest Hills", subject to conditions, (1-22-07).

23. [On](#) request from Northern Warren Fire and Emergency Response Agency to rezone property at 6304 SW 7th Street from “R1-60” (One-Family Low Density Residential) to Limited “C-2” (General Retail and Highway Oriented Commercial), subject to conditions, (1-22-07).

23-[IO](#)n Supplement No. B8 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC, to acquire various vehicles and items of equipment for the Police Department, \$700,000, (1-22-07). SPONSOR: Vlassis.

[\(Council Communication No. 07-025\)](#)

24. [On](#) request from Stockbridge, L.P. to rezone property at 1815 High Street from “C-2” (General Retail and Highway Oriented Commercial) to Limited “NPC” (Neighborhood Pedestrian Commercial) to allow for development of pedestrian scale three-story 42 unit multiple-family residential apartment building, subject to conditions, (1-22-07).

(A) [Communication](#) from Plan and Zoning Commission regarding utilizing alleys for parking.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. [Approving](#) payment of \$1,236 to Myers & Jenkins for representation in the UAL Corporation, ATA Holdings Corp., Delta Air Lines, Inc., et.al. (Comair, Inc.) and Northwest Airlines Corporation, et.al. Bankruptcies.

26. [Approving](#) payment of \$27,027.32 to Charles Burrell for a workers’ compensation claim.

27. [Approving](#) payment of \$85,000 to Greg Davis for a workers’ compensation claim.

28. [Approving](#) payment of \$46,000 to Craig E. Wadsworth for a workers’ compensation claim.

29. [Approving](#) payment of \$24,000 to James Wayman, a former engine generator specialist in the Wastewater Reclamation Facility for a workers’ compensation claim.

CITY MANAGER COMMUNICATIONS

30. [Submitting](#) out-of-state travel requests for David Knutzen, Richard Zimmerman, Joseph M. Leo, David Doolittle, John Hagener, T.M. Franklin Cownie and Sara Henry.

[\(Council Communication No. 07-023\)](#)

APPROVING

31. [Mortgage](#) Loan Addendum with Court Center, LLC and Court Center Leasing, LLC for 216 Court Avenue.

[\(Council Communication No. 07-024\)](#)

32. [Certificate](#) of Completion for Starbucks Redevelopment Project, 4503 Fleur Drive, in Fleur Drive Commercial Urban Renewal Project.

[\(Council Communication No. 07-007\)](#)

33. [Economic](#) Development Loan Agreement of \$50,000 and State of Iowa Community Economic Betterment Account (CEBA) Loan of \$125,000 with Alliance Technologies.

[\(Council Communication No. 07-005\)](#)

34. [Application](#) to State of Iowa Department of Economic Development for Financial Assistance for a Community Economic Betterment Account (CEBA) Loan and preliminary terms of economic development loan of \$70,000 to Kailea Networks, Inc.

[\(Council Communication No. 07-006\)](#)

35. [Annual](#) Renewal Agreement with Intergraph Corporation for Computer Aided Dispatch and Records Management System software maintenance for the police and fire departments.

[\(Council Communication No. 07-001\)](#)

36. [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving a three-year contract with Carpenter Uniform & Promotional Products for uniform services for the Police Department.

(Council Communication No. 07-021)

- 37. Civil Service Entrance Lists for License Clerk, Project Coordinator, Senior Housing Services Case Manager and Promotional Lists for Senior Police Officer and Pump Station Technician.
- 38. Authorizing Finance Director to draw checks on registers for the weeks of January 1, January 8, and January 15, 2007; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 1, January 8, and January 15, 2007; and to draw bi-weekly payroll due January 5 and January 19, 2007.

ORDINANCES - FINAL CONSIDERATION

- 39. On vacation of a portion of a dead-end segment of Boyd Street adjoining 1446 Boyd Street.

ORDINANCES - SECOND CONSIDERATION

- 40. Amending Chapter 10 of the Municipal Code to extend the hours which minors 16 years and older may be present in a licensed or permitted establishment which has qualified as a designated music venue.

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

ORDINANCES - FIRST CONSIDERATION

- 41. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Removal of Parking Restriction due to I-235 Construction – north side of Crocker Street, west of 31st.
 - (B) Provisions for Bus Loading at St. Anthony’s School, 15 Indianola Avenue.
 - (C) Parking Restriction – west side of Knob Hill Drive from Timber Lane to the dead end south.
 - (D) Parking Restriction – east side of 31st Street from the cul-de-sac to south of Carpenter Avenue.

- (E) Request for Stop Signs - E. Jefferson Avenue at E. 22nd Street.
- (F) Parking Restriction – both sides of Grandview Avenue from the dead end east of E. 42nd Street.
- (G) Parking Restriction – north side of Gannett Avenue from SW 28th Street, west to the dead end.
- (H) Parking Meters in the 9th and Locust Parking Garage – change in hours of operation.
- (I) Loading Zone and Installation of Parking Meters – south side of E. Grand Avenue, west of E. 4th Street.

[\(Council Communication No. 07-002\)](#)

COUNCIL REQUESTS

- 42. [From](#) Council Member Chris Coleman to discuss process and timeline of the City Council Employee Evaluation Sub-Committee (Coleman, Hensley, Mahaffey, and Mayor Cownie as ex officio).

COMMUNICATIONS/REPORTS

- 43. [From](#) Gerald LaBlanc, 8912 N.E. 46th Avenue, Altoona to speak regarding proposed closing of two Des Moines Hospitals.
- 44. [From](#) Stephanie Weisenbach, 1000 Friends of Iowa, 3850 Merle Hay Road, to speak regarding Smart Growth Report and upcoming Workshop/Open House.

***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 45 THRU 54)

- 45. [On](#) appeal from Joseph E. Green, 109 E. 35th Street, regarding recommended denial of a Limousine License.
- 46. [On](#) appeal from Cory Watts, 1801 Pleasant Street, #5, regarding recommended denial of a Limousine License.

47. On appeal from Edward Muelhaupt III, of the decision of the Historic Preservation Commission regarding restrictions of fencing at 649-18th Street, (applicant has requested that Council continue the hearing).

ALTERNATE RESOLUTIONS:

- (A) [Affirming](#) the Commission's decision.
- (B) [Amending](#) the Commission's decision.
- (C) [Continuing](#) the Hearing to January 22, 2007 at 5:00 P.M.
48. [On](#) release of sanitary sewer and water main easement previously granted by the U.S. Army Corps of Engineers to the City in conjunction with the Des Moines Metropolitan Wastewater Reclamation Authority West Side Basin Pump Station Project.
49. [On](#) conveyance of excess City-owned property acquired for the Martin Luther King, Jr. Parkway Project and vacation and conveyance of segments of 19th Street Place and Crocker Street rights-of-way adjoining 1912 Cottage Grove Avenue to Monte and Krista Bennett, \$25,000.

[\(Council Communication No. 07-004\)](#)

- (A) [First](#) consideration of ordinance vacating of a segment of 19th Street Place between Cottage Grove and Crocker Street, and a segment of Crocker Street right-of-way adjoining 1912 Cottage Grove.
- (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
50. [On](#) request from David Paladino to rezone property at 2700 Oxford Street from "R1-60" (One-Family Low Density Residential) to a Limited "M-1" (Light Industrial) to allow redevelopment of property for mini-warehouse and storage, subject to conditions, **and to continue to January 22, 2007 at 5:00 P.M.**
51. [On](#) Parking License Agreement for Parking Spaces in the Seventh and Center Park & Ride Parking Garage to Wells Fargo Financial, Inc.
- (A) [Approving](#) Amendment to Parking Agreement.

[\(Council Communication No. 07-017\)](#)

52. [On](#) petition to establish the Ingersoll Avenue Self-Supported Municipal Improvement District.

[\(Council Communication No. 07-015\)](#)

(A) [Communication](#) in opposition.

53. [On](#) Downtown Parking System Wayfinding Signage – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Waldinger Corporation, (Tom Koehn, President), \$614,200.50.

[\(Council Communication No. 07-012\)](#)

(A) [Approving](#) contract and bond.

54. [On](#) Teachout Aquatic Center Slide Replacement: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible, responsive bidder as Brocon Services, LLC (Chris Brault, Managing Partner, Johnston, IA), \$339,800.

[\(Council Communication No. 07-013\)](#)

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

END HEARINGS AT _____ P.M.

APPROVING

55. [Intergovernmental](#) 28E Agreement with Cities of Altoona, Ankeny, Bondurant, Carlisle, Clive, Des Moines, DeSoto, Grimes, Indianola, Johnston, Mitchellville, Norwalk, Pleasant Hill, Polk City, Urbandale, Waukee, West Des Moines, Windsor Heights, and the unincorporated areas of Dallas, Polk and Warren Counties to establish a Metropolitan Licensing Board of Examiners for the Electrical, Mechanical and Plumbing Trades.

[\(Council Communication No. 07-020\)](#)

56. [Sub-Grantee](#) Agreements to administer FFY 2006 Homeland Security Grant Program Funds from Iowa's Homeland Security and Emergency Management Division.

([Council Communication No. 07-008](#))

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING [MEMO](#)

1. [The](#) Legal Department to proceed with court action seeking authority to abate the public nuisance at 1120 22nd Street, Titleholder: Nobel Homes, Inc.; Mortgage Holder: Community State Bank National Association.
2. [Release](#) of the lien entered against 1800 7th Street in CE 46186 to clear title and allow Community Housing Development Corporation to sell the single family dwelling for a low-income household.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003