

DES MOINES CITY COUNCIL MEETING

January 22, 2007

Reception for Brian Meyer, Council Member Ward IV - 3:00 P.M. – 4:00 P.M.
Great Hall, 400 Robert D Ray Dr.
Oath of Office Ceremony - 4:00 P.M.

Municipal Housing Governing Board - 4:15 P.M.
Regular Meeting - 4:30 P.M.

INVOCATION: Pastor Craig Robertson
Grant Park Christian Church

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

* * * * *

***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 35:

LICENSES AND PERMITS

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

NEW APPLICATIONS

- | | | | |
|-----|---------------------|---------------------|---|
| (A) | BAN THAI RESTAURANT | 215 E WALNUT ST | C |
| | Beer/Wine | | |
| (B) | WANNA B'S | 1820 E ARMY POST RD | C |
| | Liquor | | |

RENEWAL APPLICATIONS

- | | | | |
|-----|------------------|----------------|---|
| (C) | ALLIED INSURANCE | 1100 LOCUST ST | C |
| | Liquor | | |
| (D) | CAFE DI SCALA | 644 18TH ST | C |
| | Liquor | | |

(E)	CASEYS GENERAL STORE #2244	2150 E ARMY POST RD	C
	Beer		
(F)	COONEYS TAVERN	3708 BEAVER AVE	C
	Liquor		
(G)	CYCLES WALNUT TAP	2401 E WALNUT ST	C
	Liquor		
(H)	DES MOINES ASIAN FOOD	1623 6TH AVE	C Beer
(I)	EL AGUILA REAL AUTHENTIC	3600 BEAVER AVE	C
	Liquor		
(J)	EL DORADO MEXICAN REST	4345 MERLE HAY RD	C
	Liquor		
(K)	FLYING MANGO	4345 HICKMAN RD	C
	Liquor		
(L)	HOPPERS	2515 WEDGEWOOD	C
	Liquor		
(M)	KUM & GO #440	821 E EUCLID AVE	C Beer
(N)	LA CRUZ #3	3900 E 14TH ST	C Beer
(O)	LIFT	222 4TH STREET	C
	Liquor		
(P)	MACCABEES DELI & JUDAICA	1150 POLK BLVD	B
	Wine		
(Q)	MANNINGS	2102 INDIANOLA AVE	C
	Liquor		
(R)	NAT FOOD MART	1443 2ND AVENUE	C Beer
(S)	OLD WORLD PUB & PIZZERIA	4138 FLEUR DR	C
	Liquor		
(T)	PALMERS DELI & MARKET	2843 INGERSOLL AVE	C
	Liquor		
(U)	PAPILON	2718 DOUGLAS AVE	C
	Beer/Wine		
(V)	PLAZA MEXICO MEXICAN REST	3841 E 14TH ST	C
	Liquor		
(W)	SAMBETTIS	1430 2ND AVE	C
	Liquor		
(X)	SCOOTER & BABS SPORTS BAR	918 E EUCLID AVE	C
	Liquor		

TRANSFER TO NEW LOCATION

(Y)	DEPOT	3000 E GRAND AVE	B Beer
	Temporary transfer to Cattle Barn from February 12-18, 2007 for the Beef Expo.		

SPECIAL EVENT APPLICATIONS

(Z)	SENIOM SED	555 WALNUT ST	B Beer
	Skywalk Golf Open, February 3, 2007 at Kaleidoscope at the Hub.		

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

PUBLIC IMPROVEMENTS

6. [Approving](#) completion and recommending acceptance of private construction contract for paving improvements in Sawyer's Landing Phase 1, between Eco-Tech Construction, LLC and Savannah Homes.
7. Accepting completed construction and approving final payment for the following:
 - (A) [Legacy](#) Construction Associates, Inc. – Prospect Park Playground Improvements.
 - (B) [Grimes](#) Asphalt & Paving Corp. – 2006 Parks HMA Improvements.
 - (C) [Des](#) Moines Asphalt & Paving Co. – 2006 Expanded Street Resurfacing Program – Residential.
 - (D) [Elder](#) Corporation – Westchester Park Improvements – Phase 3.
 - (E) [Rocky](#) Hurst Construction – Restroom Enclosure at Ewing and Easttown Parks.

SPECIAL ASSESSMENTS

8. [Approving](#) deletion of NAC-Emergency Assessments at various locations.
9. Approving the following:
 - (A) [Delinquent](#) Sewer Rental and/or Solid Waste/Stormwater Utility Fees for December 2006.
 - (B) [Delinquent](#) Sewer Rental and/or Solid Waste/Stormwater Utility Credits for December 2006.

LAND/PROPERTY TRANSACTIONS

10. [Real](#) estate documents for property at 4687 SW 56th Street from David R., Peter C. and Dan J. Woltz for the Airport Runway 13R/31L Project, \$1,357,180, plus closing costs.

[\(Council Communication No. 07-033\)](#)

11. [Establishing](#) fair market value and authorizing acquisition of multiple properties for the I-235 Deans Lake Storm Sewer Outlet Project – Phase II, \$64,200.

[\(Council Communication No. 07-032\)](#)

12. [Approving](#) Tax Abatement Application for additional value added by improvements completed in 2004 for 3004 Deep Woods Court.

[\(Council Communication No. 07-036\)](#)

13. [Acceptance](#) of a permanent easement for sanitary sewer located on the property at 2021 22nd Street from Ryan O'Mara for an existing sanitary sewer, \$1, plus closing costs.

14. [Resolution](#) initiating rezoning of 1703 and 1707 E. Madison Avenue to “R1-60” (One Family Low-Density Residential) and imposing a temporary moratorium on development inconsistent with the rezoning.

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Recommendation](#) from Council Member Brian Meyer to appoint James Robert Martin to Seat 15 on the Plan and Zoning Commission to fill an unexpired term commencing July 1, 2003 to expire July 1, 2008.

16. [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.

SETTING DATE OF HEARINGS

17. [On](#) appeal by Bernie Van Til, Preservation Properties, L.L.C., of Historic Preservation Commissions' decision regarding a Certificate of Appropriateness for demolition of Kingsway Cathedral at 901 19th Street in Sherman Hill Historic District, (2-12-07).
 - (A) [Communication](#) from Historic Preservation Commission.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

18. [Approving](#) payment of \$728 to Ahlers & Cooney, P.C. for legal services on various issues regarding the Des Moines International Airport.
19. [Approving](#) payment of \$1,560 to Ahlers & Cooney, P.C. for representation regarding general matters.
20. [Approving](#) payment of \$1,815.43 to Ahlers & Cooney, P.C. for bond counsel services.
21. [Approving](#) payment of \$9,437.45 to Hall & Associates for services related to the Combined Sewer System and Combined Sewer Overflows related to the NPDES Permit.
22. [Approving](#) increasing authorized amount for employment of Hall & Associates to provide professional consultation and legal representation services related to the combined sewer overflow and NPDES Permit for the Wastewater Reclamation Facility by \$25,000.

CITY MANAGER COMMUNICATIONS

23. [Submitting](#) out-of-state travel requests for Brent Harris, Douglas Harvey, Bert Drost, Erik Lundy, Vincent Valdez, Robert Kraft and Michael Berry.

[\(Council Communication No. 07-034\)](#)

- 23-I [Regarding](#) land use plans for area bounded by Interstate 235 on the north, Crocker Street on the south, 18th Street on the east and the two-way pair of M.L.

King Parkway on the west and recommending a process for consideration of future development in the area.

[\(Council Communication No. 07-035\)](#)

APPROVING

24. [CDBG](#) Housing Program, Nonprofit Contract for home ownership, and Commitment Contracts for execution by Community Development Department.

[\(Council Communication No. 07-026\)](#)

25. Amendment One to the PY 2006 Central Iowa Shelter & Services (fka Churches United Shelter) for the following:

- (A) [Transit](#) Shuttle Service Project.

[\(Council Communication No. 07-027\)](#)

- (B) [Emergency](#) Homeless Shelter Project.

[\(Council Communication No. 07-028\)](#)

26. [City](#) Manager to negotiate a contract with Greater Des Moines Habitat for Humanity regarding implementation of the Thrivent Builds Neighborhoods Planning Grant Program to provide funding to develop and implement neighborhood action plan for King Irving and Mondamin Presidential Neighborhoods.

[\(Council Communication No. 07-031\)](#)

27. [Subordination](#) Agreement in favor of Community Business Lender, L.C. for renovation to 216 Court Avenue.

[\(Council Communication No. 07-045\)](#)

28. [Acceptance](#) of proposal for credit and debit card services from U.S. Bank, N.A. and Agreement with U.S. Bank, N.A. and Nova Information Systems, Inc. for Credit Card and Debit Card transactions.

[\(Council Communication No. 07-029\)](#)

29. Requests from Downtown Community Alliance for approval of banner designs for the following:
 - (A) [Civic](#) Center of Greater Des Moines for 20 banners on 10 poles in downtown Des Moines in February for promotion of The Phantom of the Opera.
 - (B) [State](#) Historical Society of Iowa for 20 banners on 10 poles in downtown Des Moines in February.
30. [Receipt](#) of Quarterly Treasurer's Report as of December 31, 2006.
31. Bids from the following:
 - (A) [Air-Con](#) Mechanical Corporation for two (2) additional one-year renewal options to furnish plumbing and HVAC (heating, ventilating and air conditioning) services, estimated cost \$285,000. (Nine bids mailed, four received.)
 - (B) [Charles](#) Gabus Ford \$513,757.15, Bob Brown Chevrolet \$39,240.62, and Stivers Ford \$40,416 for various replacement vehicles, total cost \$593,413.77
 - (C) [Zylstra](#) Harley Davidson & Buell for six (6) motorcycles and accessories to be used by the Patrol Division of the Police Department, \$126,883.20. (Ten bids mailed, two received.)
32. [Receipt](#) of Legislative Update of the 82nd General Assembly.
33. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 22 and January 29, 2007; to draw the checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 22 and January 29, 2007; and to draw checks for bi-weekly payroll due February 2, 2007.

ORDINANCES - FINAL CONSIDERATION

34. [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.

ORDINANCES - SECOND CONSIDERATION

- 35. 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.

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

COMMUNICATIONS/REPORTS

- 36. From Highland Park SSMID Board regarding recommended budget and levy for Highland Park Self-Supported Municipal Improvement District for Fiscal Year commencing July 1, 2007.

- 37. From William J. Lillis, representing Merle Hay Mall and Bankers Trust, regarding a Tax Increment Financing (TIF) District in the Merle Hay and Douglas Avenue area.

***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 38 THRU 46)

38. [On](#) Urban Renewal Agreement for sale of land for private redevelopment with Vision Fuels Des Moines, L.L.C.

[\(Council Communication No. 07-044\)](#)

39. [On](#) 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.

(A) [Authorization](#) for additional action.

(B) [Authorization](#) for execution and delivery.

[\(Council Communication No. 07-030\)](#)

40. On appeal from Edward Muelhaupt III, of the decision of the Historic Preservation Commission regarding restrictions of fencing at 649-18th Street, **(continued from January 8, 2007)**.

ALTERNATE RESOLUTIONS:

(A) [Affirming](#) the decision of the Historic Preservation Commission.

(B) [Amending](#) the decision of the Historic Preservation Commission.

41. Items regarding property in the 2200 block of E. Pine Avenue, Jerry's Homes:

(A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Public/Semi-Public, Park/Open Space – Public and Low/Medium Density Residential to Medium Density; and from Low Density Residential to Low/Medium Density Residential; and for Removal of the Neighborhood Activity Node at the SE corner, to be used for future development of single-family detached, single-family semi-detached, single-family townhome and multi-family condominium uses, (65.31 acres).

- (B) [Hearing](#) on rezoning of the property from “R1-80” (One Family Residential), to “R-3” (Multiple-Family Residential), Ltd. “R-3”, Ltd. “R1-60” (One-Family Low-Density Residential) and Ltd. “R1-80” (One-Family Residential).
 - (C) [First](#) consideration of ordinance above, (6 affirmative votes required to approve the rezoning due to sufficient protest by adjoining land owners).
 - (D) [Final](#) consideration of ordinance above, (waiver requested by applicant).
 - (E) [Communication](#) from area property owners.
42. Items regarding property at 1351 Grandview Avenue, Grand View College:
- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low Density Residential to Public Semi-Public, to be used for future campus development.
 - (B) [Hearing](#) on rezoning of the property from “R1-60” (One Family Low Density Residential) to “PUD” (Planned Unit Development).
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
43. [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.
- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
44. [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.
- (A) [First](#) consideration of ordinance.

(B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

45. [On](#) request from David Paladino to rezone property at 2700 Oxford Street from “R-1 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 February 12, 2007 at 5:00 P.M.**

46. Items regarding approximately 217 acres of property at 3930 SE 72nd Avenue, Mid-America Group, **and to continue both items to February 12, 2007 at 5:00 P.M.:**

(A) [Hearing](#) on request for Voluntary Annexation.

(B) [Hearing](#) on request to rezone property from “A-1” (Agricultural) to “PUD” (Planned Unit Development).

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

APPROVING

47. [Intergovernmental](#) 28E Agreement with City of Johnston, Polk County and Polk County Conservation Board for construction and maintenance of Trestle-to-Trestle Multi-Use Recreational Trail.

[\(Council Communication No. 07-043\)](#)

~~48. Urban Renewal Development Agreement with High Land Co., L.C. for Ingersoll Square residential condominium project, east of M.L. King Parkway between Ingersoll Avenue and High Street and Proposed Conceptual Development Plan.~~

~~[\(Council Communication No. 07-042\)](#)~~

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance structures at the following addresses: [MEMO](#)
 - (A) [3103](#) Forest Avenue, Titleholder: Drake University.
 - (B) [1111](#) Martin Luther King Jr. Parkway (garage), Titleholder: Inhtong Thiravong.
 - (C) [1917](#) 11th Street, Titleholder: Kathleen A. Mitchell; Mortgage Holder: Midwest Heritage Bank, FSB, HyVee Branch.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003