

# DES MOINES CITY COUNCIL MEETING

September 24, 2007  
4:30 P.M.

## PROCLAMATIONS – 4:15 P.M.

Alpha Delta Kappa Month  
Italian Heritage Month

## SPECIAL RECOGNITIONS – 4:15 P.M.

“Don’t Drink and Drive” Campaign – Fire Station 8

**INVOCATION:** Rev. Craig Robertson  
Grant Park Christian Church  
2440 Capitol Avenue

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 45:

## LICENSES AND PERMITS

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

### NEW APPLICATIONS

(A)	CHERYLS Liquor	509 E 25TH ST	C
(B)	DOS RIOS Liquor	316 COURT AVE	C

- (C) STEPIN OUT RESTAURANT/LOUNGE 1820 E ARMY POST RD C  
Liquor

### RENEWAL APPLICATIONS

- (D) BISTRO MONTAGE 2724 INGERSOLL AVE C  
Liquor
- (E) CITGO 1800 SE 14TH ST C  
Beer
- (F) DES MOINES CLUB 666 GRAND AVE A  
Liquor
- (G) DES MOINES MARRIOTT HOTEL 700 GRAND AVE B  
Liquor
- (H) DES MOINES MARRIOTT HOTEL 700 GRAND AVE E  
Liquor
- (I) EMBASSY CLUB 1011 LOCUST ST C  
Liquor
- (J) EMBASSY SUITES HOTEL 101 E LOCUST ST B  
Liquor
- (K) FIREHOUSE LOUNGE 1930 SE 6TH ST C  
Liquor
- (L) LABAMBA MEX/AMERICAN REST. 6101 GRAND AVE C  
Liquor
- (M) LUCCA 420 E LOCUST ST C  
Liquor
- (N) OASIS LIQUOR 1401 BUCHANAN ST E  
Liquor
- (O) SHOP N SAVE 2127 MLK JR PKWY E  
Liquor
- (P) SMOKEYS TRIANGLE TAP 2506 POST C  
Liquor
- (Q) TRATTORIA 207 4TH ST B  
Wine
- (R) TRATTORIA 207 4TH ST C  
Liquor
- (S) WELLMANS PUB 2920 INGERSOLL AVE C  
Liquor

### SPECIAL EVENTS APPLICATIONS

- (T) DOWNTOWN EVENTS GROUP 431 E LOCUST AVE C  
Beer/Wine  
Five-Day License for World Food Festival on October 5-7, 2007. Pending approval of Electrical and Fire Departments.

5. [City](#) Clerk to issue Cigarette Licenses.

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

## **PUBLIC IMPROVEMENTS**

7. [Approving](#) agreement with Iowa Department of Transportation for Army Post Road widening from South Union Street to SW 9<sup>th</sup> Street.

[\(Council Communication No. 07-577\)](#)

8. Approving the following Private Construction Contracts between McAninch Corporation and Jerry's Homes for Carman Estates Plat 6:
  - (A) [Sanitary](#) Sewer Improvements.
  - (B) [Storm](#) Sewer Improvements.
9. [Communication](#) from Cramer and Associates, Inc. requesting permission to sublet certain items on 7<sup>th</sup> & Grand Parking Garage Beam Repairs.
10. Accepting completed construction and approving payment for the following:
  - (A) [Van](#) Hauen & Associates, Inc. – 3400/3500 E. 14<sup>th</sup> Street Storm Sewer Repairs.
  - (B) [Bergstrom](#) Construction, Inc. – Fire Station No. 8 Renovation.
  - (C) [United](#) Contractors, Inc. – 5<sup>th</sup> & Walnut Parking Garage CFR Repair.

## **SPECIAL ASSESSMENTS**

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2007-15.
12. Approving the following for August 2007:
  - (A) [Delinquent](#) Sewer Rental and/or Solid Waste/Stormwater Utility Credits.
  - (B) [Delinquent](#) Sewer Rental and/or Solid Waste/Stormwater Utility Fees.

## LAND/PROPERTY TRANSACTIONS

13. [Establishing](#) fair market value and authorizing voluntary acquisition of 1529 13<sup>th</sup> Street for the Forest Avenue Urban Renewal Project.

[\(Council Communication No. 07-580\)](#)

14. [Establishing](#) fair market value and authorizing acquisition of 200 SE 3<sup>rd</sup> Street for the Southeast Connector Project – SW 2<sup>nd</sup> to SE 6<sup>th</sup> Street Phase.

[\(Council Communication No. 07-578\)](#)

15. [Approving](#) final subdivision plat entitled FORGET PROPERTIES PLAT 1 located at 4411 SE 14<sup>th</sup> Street.

[\(Council Communication No. 07-567\)](#)

16. [Approving](#) tax abatement applications (69) for additional value added by improvements made during 2007.

[\(Council Communication No. 07-574\)](#)

17. [Approving](#) tax abatement application for additional value added by improvements completed in 2004 for property at 3619 Brook Run Drive.

[\(Council Communication No. 07-576\)](#)

18. [Conditionally](#) granting prior approval of tax abatement for a new residence at 5884 McKinley Avenue.

[\(Council Communication No. 07-586\)](#)

19. [Acceptance](#) of permanent easement from George A. and Kimberly S. Flippo for Gay Lea Wilson Trail Project – Phase 3, \$1, plus closing costs.

20. [Filing](#) Partial Release of Judgment Liens only as they stand as a lien on 1611 Jefferson Avenue and 2007 Martin Luther King Blvd. in order to allow transfer of title to Sue Moss.

## SETTING DATE OF HEARINGS

21. [On](#) conveyance of city-owned property adjoining 2722 E. Walnut Street to Robert L. Green, \$1, (10-8-07).
22. [On](#) vacation and conveyance of portion of Grandview Avenue and portions of the alleys in Grand View College Campus to Grand View College in conjunction with E. 14<sup>th</sup> Street Widening Project, \$68,585, (10-8-07).
23. [On](#) request from Wayne Larson to rezone property at 2800 E. University Avenue from “R1-60” (One-Family Low-Density Residential) and “C-2” (General Retail and Highway-Oriented Commercial) to Limited “C-2” (General Retail and Highway-Oriented Commercial), to allow for use as a vehicle display lot for ATVs, mopeds, scooters, and related vehicles, subject to conditions, (10-8-07).
24. [On](#) request from Central City Liquors to rezone property at 1455 2<sup>nd</sup> Place and 218 Clark Street from “R1-60” (One-Family Low-Density Residential) to “M-1” (Light Industrial) to allow for construction of a 3,000 square foot commercial/industrial structure and associated parking, subject to conditions, (10-8-07).
25. [On](#) request from Curly Top, LLC to rezone property at 1900 SE 6<sup>th</sup> Street from Limited “R-3” (Multiple-Family Residential) to an amended Limited “R-3” (Multiple-Family Residential) to remove the existing zoning condition requiring a Planned Unit Development, to allow up to 80 units of senior apartments, (10-8-07).

[\(Council Communication No. 07-587\)](#)

26. [On](#) request from John Williams to amend the Airport Commerce Park West PUD Conceptual Plan for property at 3700 SW 61<sup>st</sup> Street, to allow an automobile body and fender repair shop and garage for general motor vehicle repair, (10-8-07).

[\(Council Communication No. 07-592\)](#)

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Approving](#) payment of \$11,233.25 to Ahlers & Cooney, P.C. Law Firm for services rendered for Section 108 Loan Agreement for River Point West LLC Project.

28. [Approving](#) payment of \$5,192.93 to Iowa Department of Transportation as the result of a motor vehicle accident.
29. [Approving](#) payment of \$6,902.56 to Hall & Associates for services related to combined sewer system and combined sewer overflows related to NPDES Permit.

## **CITY MANAGER COMMUNICATIONS**

30. [Submitting](#) travel request for Judy Bradshaw and Douglas Philip.

[\(Council Communication No. 07-583\)](#)

## **APPROVING**

31. [Fiscal](#) Year 2007-08 LIHEAP contract with Iowa Department of Human Rights/Division of Community Action Agencies.

[\(Council Communication No. 07-591\)](#)

32. [Form](#) of Agreement and contract documents for a \$250,000 HOME loan with Stockbridge L.P. for new construction of 42 units of Low Income Family Housing at 1815 High Street.

[\(Council Communication No. 07-569\)](#)

33. [West](#) End Lofts, LLC application for Enterprise Zone Benefits for construction of 31 market rate residential condominiums at 1440 Locust Street in the Des Moines Gateway Enterprise Zone.

[\(Council Communication No. 07-581\)](#)

34. [Amendment](#) to FY2005 Homeland Security Grant Programs supporting Iowa's Statewide Explosive Ordinance Disposal (EOD) and Special Weapons and Tactics (SWAT) to include an extension of the performance period to 9-30-07.

[\(Council Communication No. 07-568\)](#)

35. [Neighborhood](#) Commercial Revitalization (NCR) Loan of \$192,150, a \$5,000 Pre-development Grant and a \$15,000 Façade Grant to BCC Management for the proposed rehabilitation of 1707 High Street.

[\(Council Communication No. 07-571\)](#)

36. [Communication](#) from Downtown Community Alliance on behalf of the Iowa Coalition Against Domestic Violence, requesting approval of banner design for 30 banners to be displayed in downtown Des Moines on 5<sup>th</sup> and E. Locust Streets in October.

37. [Receipt](#) of Des Moines Water Works 2006 Audit Reports.

38. [Receipt](#) of Fiscal Year 2006/2007 Official Financial Report for City Streets.

[\(Council Communication No. 07-584\)](#)

39. [Issuance](#) of a Request for Proposals (RFP) to provide Strategic Planning Consulting Services for assistance in development of an Information Technology Strategic Plan.

[\(Council Communication No. 07-585\)](#)

40. Bids from the following:

(A) [KI](#) for Spacesaver storage units per U.S. Communities Contract for use by the Police Department, \$38,717.33.

(B) [The Armored Group, LLC](#) for six (6) Tactical Team Rapid Deployment Vehicles, (one to be used by the Des Moines Police Department, five to be used by other Task Force teams), \$407,000.

[\(Council Communication No. 07-566\)](#)

(C) [Hawkeye](#) Truck Equipment for eight (8) truck tarp systems to be used by the Public Works Department, \$28,368. (Four bids mailed, two received).

41. [Civil](#) Service Entrance Lists for Housing Services Case Manager, Civil Engineer I, and Climate Control Technician.

42. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September 24 and October 1, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 24 and October 1, 2007; and to draw checks for bi-weekly payroll due September 28, 2007.

**ORDINANCES - SECOND CONSIDERATION**

43. NUMBER NOT USED.
44. [Amending](#) Chapter 70 of the Municipal Code regarding hunting permits in the Des Moines Special Deer Management Zones.
45. [Amending](#) Chapter 114 of the Municipal Code, to place a handicapped parking space on the south side of Court Avenue between 4<sup>th</sup> Street and 5<sup>th</sup> Avenue.

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

**ORDINANCES - SECOND CONSIDERATION**

46. [Providing](#) for the special valuation of Wind Energy Conversion Property.
  - (A) [Final](#) consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.

[\(Council Communication No. 07-564\)](#)

**ORDINANCES - FIRST CONSIDERATION**

47. [Amending](#) Chapter 46 of the Municipal Code regarding single and multiple station smoke alarms.
  - (A) [Final](#) consideration of ordinance above, (waiver requested by Fire Department), requires 6 votes.

[\(Council Communication No. 07-565\)](#)

48. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
  - (A) Parking Restrictions due to Drake University Driveway Relocation – University Avenue between 28<sup>th</sup> and 31<sup>st</sup>.



- (B) Stop Sign installation on E. 8<sup>th</sup> Street at Filmore.
- (C) Designation of Muskogee Avenue as a Through Stop Street between SW 63<sup>rd</sup> and North Valley Drive.
- (D) Designation of Taxicab stand – 3<sup>rd</sup> Street, north of Court Avenue.

[\(Council Communication No. 07-575\)](#)

- 49. [Repealing](#) Ordinance No. 14,686, approved on August 20, 2007, amending Chapter 26 relating to Licensing and Appeals Board as intended amendments were included in Ordinance No. 14,685.
  - (A) [Final](#) consideration of ordinance above, (waiver requested by Legal Department), requires 6 votes.

## **COUNCIL REQUESTS**

- 50. [From](#) Mayor Frank Cownie and Council Member Christine Hensley to approve a resolution from the American Lung Association to encourage the General Assembly of the State of Iowa to pass legislation enabling communities to establish policies for local control of smoking in public places.

## **COMMUNICATIONS/REPORTS**

- 51. [From](#) Vision Fuels Des Moines, L.L.C., regarding its progress towards financing and construction of an Ethanol Production Facility in the SE Agribusiness Park, and requesting amendment to the Agreement for sale of real estate.
- 52. [Request](#) to consent to use of state financial assistance for new Aviva USA Building in West Des Moines.
- 53. [From](#) Susan Brown, 300 Walnut Street, #160, to speak regarding music noise levels on Court Avenue.
- 54. [From](#) Jeffrey Lamm, 4701 Hickman, to speak regarding transportation for disabled persons.

**\*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.**

**INFORMAL HEARINGS (OPEN AT 5:00 P.M.) (ITEM 55)**

55. [On](#) sidewalk construction for the following:

(A) SE 14<sup>th</sup> Street (west side) from McKinley Avenue to Cummins Road.

(B) State Avenue (both sides) from E. 32<sup>nd</sup> Street to E. 33<sup>rd</sup> Street.

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 56 THRU 63)**

56. On appeal of Historic Preservation Commission decision regarding 1520 Center Street: **(continued from 9-10-07.)**

(A) [Affirming](#) the decision.

(B) **[ALTERNATE RESOLUTION:](#)** Reversing the decision of the Historic Preservation Commission.

57. [On](#) conveyance of a portion of vacated north/south alley right-of-way between E. 29<sup>th</sup> Street and E. 29<sup>th</sup> Court, south of Dean Avenue to Ronald A. Conn, \$50.

[\(Council Communication No. 07-582\)](#)

58. [On](#) request from Jeff Brands to rezone property at 2121 Hubbell Avenue from “R1-60” (One Family Low-Density Residential) to “C-2” (General Retail and Highway Oriented Commercial) to allow overall site redevelopment for a drive-through restaurant subject to conditions.

(A) [First](#) consideration of ordinance above.

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

59. NUMBER NOT USED.

60. [On](#) Urban Renewal Agreement for sale of land for private redevelopment, to Nelson Development 15, LLC, 230 E. Grand Avenue.

[\(Council Communication No. 07-572\)](#)

61. [Hearing](#) on first consideration of vacation ordinance for E. 18<sup>th</sup> Street between Mattern and E. Jefferson Avenue, and Mattern Avenue between Dixon and DeWolf Streets
- (A) [Final](#) consideration of vacation ordinance, (waiver requested by Office of Economic Development), requires 6 votes.
- (B) [Recommendation](#) from Plan and Zoning Commission.
- (C) [On](#) Urban Renewal Development Agreement with Houghton Properties; conveyance of Disposition Parcel 16A in the Guthrie Avenue Business Park Urban Renewal Area; Ground Lease for vacated but not conveyed right-of-way; license for Developer's Access before conveyance; and authorizing execution of closing and conveyance documents.

[\(Council Communication No. 07-595\)](#)

62. [On](#) Release of Easement for sanitary sewer right-of-way at 911 29<sup>th</sup> Street in conjunction with I-235 Sanitary Sewer Relocation Project – Group 4.
63. [On](#) amendment to Chapter 106 of the Municipal Code, (Subdivisions) to provide for new regulations, prohibitions and enforcement provisions relating to stormwater runoff control plans and maintenance of stormwater management facilities.
- (A) [Final](#) consideration of ordinance amending Chapters 42, 82, and 106 of the Municipal Code regarding post-construction run-off requirements for the City's National Pollution Discharge Elimination System.

\*\*END HEARINGS AT \_\_\_\_\_ P.M.\*\*

**CITY MANAGER RECOMMENDATIONS**

64. [Regarding](#) preliminary terms of agreement with Wellmark for redevelopment of the two blocks adjoining north side of Grand Avenue between 12<sup>th</sup> and 14<sup>th</sup> Streets for its new home office facility.
- (A) [Approving](#) RISE application to reconstruct High Street from 10<sup>th</sup> to 14<sup>th</sup> Streets and to realign the 12<sup>th</sup> Street intersection.

[\(Council Communication No. 07-593\)](#)

## APPROVING

65. [Setting](#) Date of Hearing and authorizing various related actions on the Beaverdale Commercial Area Urban Renewal Plan, (11-19-07)

[\(Council Communication No. 07-579\)](#)

66. [Communication](#) from the City Manager regarding preliminary terms of agreement with Rice Development Partners, LLC for financial assistance related to the development of a mixed-use project at 3001 Beaver Avenue.

[\(Council Communication No. 07-573\)](#)

67. [Beaverdale](#) Mixed-Use PUD Final Development [Plan](#) for a mixed-use commercial and residential development at 3001 Beaver Avenue.

[\(Council Communication No. 07-596\)](#)

## 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) [1547](#) 4<sup>th</sup> Street, Titleholder: First National Acceptance Company; Contract Buyers: Gordon Rowe and Sharon Rowe.
  - (B) [1102](#) E. 12<sup>th</sup> Street, Titleholder: Deutsche Bank National Trust Company as Trustee under the Pooling and Servicing Agreement dated as of October 1, 2002, Morgan Stanley Dean Witter Capitol I Inc., Trust 2002-AM3.
  - (C) [1632](#) 23<sup>rd</sup> Street (garage), Titleholder: Hai Van Le; Mortgage Holder: Citifinancial, Inc.
  - (D) [532](#) 36<sup>th</sup> Street, Titleholder: Ruth Rae Smith; Mortgage Holder: Pauline Spitznagel.
  - (E) [2421](#) E. 36<sup>th</sup> Street, Titleholder: SRS, Inc.; Contract Buyer: Jack Franklin.
  - (F) [1801](#) Franklin (garage): Titleholders: Randy Grimm and Grace Malloy.
2. [The](#) release of the fire escrow account held for the structure located at 2326 E. 39<sup>th</sup> Street.

MOTION TO ADJOURN AT \_\_\_\_\_ P.M.



All-America City  
1949 1976 1981 2003