DES MOINES CITY COUNCIL MEETING

October 8, 2007 4:30 PM

RECOGNITION – 4:00 PM

Donna Anthony, Aide to U.S. Senator Tom Harkin

PROCLAMATION

Myron and Jacqueline Blank Day

PRESENTATION

Check Presentation to Des Moines Carousel Foundation by the Rollin’ Relics Car Club

INVOCATION: Council Member Tom Vlassis

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 44:

LICENSES AND PERMITS

4. approving Alcoholic Beverage License applications for the following:

   NEW APPLICATIONS

   (A) MIYABI 9
       Beer/Wine
       512 E GRAND AVE

   RENEWAL APPLICATIONS

   (B) BEST FOOD MART
       Beer
       4028 E 14TH ST
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**OUTDOOR SERVICE APPLICATIONS**

| V | KELLEYS ON BEAVER                        | 3606 BEAVER AVE          | C           |
|   |                                          |                          |            |

Adding permanent outdoor service area.

**SPECIAL EVENT APPLICATIONS**
Fourteen day license for Jingle Bell Bash on December 4-9, 2007. Pending approval of Building Department.

Five day license for Bridal Show on November 24, 2007. Pending approval of Building Department.

Five day license for event on October 20, 2007. Pending approval of Building, Electrical and Fire Departments.

Five Day License for Charity Costume Party on October 20, 2007. Pending approval of Fire Department.

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

(A) 2008 Sewer Televising Program – Receiving of bids (10-23-07), and Setting date of hearing, (11-5-07). (Construction Estimate - $377,665).

   (Council Communication No. 07-605)

(B) ADA Phase 1 Interior Remodeling – Receiving of bids, (11-6-07), and Setting date of hearing, (11-19-07). (Construction Estimate - $297,125).

   (Council Communication No. 07-607)

(C) ADA Phase 1 Exterior Improvements – Receiving of bids, (11-6-07), and Setting date of hearing, (11-19-07). (Construction Estimate - $29,688).

   (Council Communication No. 07-606)

6. Approving and authorizing the execution of Iowa Department of Transportation Agreement for SE 5th Street Bridge over Yeader Creek Rehabilitation.
7. NUMBER NOT USED.

8. Approving Professional Services Agreement with Engineering Alliance, Inc. for design and construction phase services for the Pleasant Drive Bridge Replacement over Cummins Creek, not to exceed $78,805.

9. Accepting completed construction and approving payment for the following:

   (A) The Underground Company, Ltd. – Clover Hill Trunk Sanitary Sewer – Phase 2.
   (B) Grimes Asphalt & Paving Corporation – Greenwood Park Street Improvements.
   (C) L-M Venture Corporation, Inc. – Local Flood Protection Levee Closures.

SPECIAL ASSESSMENTS

10. Approving deletion of NAC-Emergency Assessment at the following addresses:

    (A) 3610 North Union St.
    (B) 3315 Cambridge St.

LAND/PROPERTY TRANSACTIONS

11. Authorization to proceed with acquisition of the necessary right-of-way and easements for the E. 29th Street and Hubbell Avenue Traffic Signal Upgrade Project.

12. Approving consent agreement for structures located within permanent easement for storm sewer right of way located at 400 Wilmers Avenue.
13. Approving tax abatement application for additional value added by improvements completed in 2005, and denying retro-active application for property at 4948 Streamside Circle.

(Council Communication No. 07-611)

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. Approving recommendations for reappointments to the Access Advisory Board as follows:

   (A) From Mayor Frank Cownie for Michael Bell, Seat 10, for a four-year term commencing June 15, 2007 to expire June 15, 2011.

   (B) From Council Member Chris Coleman for Mark Dingess, Seat 11, for a four-year term commencing June 15, 2007 to expire June 15, 2011.

   (C) From Council Member Bob Mahaffey for Robert Jeppesen, Seat 13, for a four-year term commencing June 15, 2007 to expire June 15, 2011.

   (D) From Council Member Brian Meyer for Steve Oberbroeckling, Seat 7, for a four-year term commencing June 15, 2006 to expire June 15, 2010.

15. Communications from the following advising of their resignation from the Sister Cities Commission, effective immediately:

   (A) Andrea Addington, Seat 19.

   (B) Gayle Collins, Seat 7.

15-I Approving recommendation from Mayor Frank Cownie to appoint Preston Daniels to the Water Works Board, Seat 1, for a six-year term commencing April 1, 2007 to expire on April 1, 2013.

15-II Approving recommendation from Council Member Christine Hensley to appoint Tony Holub to the Historic Preservation Commission, Seat 9, for a three-year term commencing October 18, 2005 to expire October 18, 2008.
COMMUNICATIONS FROM PLANNING AND ZONING

16. Regarding request from Iowa State Fair Board to vacate a segment of E. Walnut Street from E. 30th Court to a point 121.5 feet west and a segment of E. 30th Court from E. Walnut Street to a point 150 feet south, subject to conditions.

17. NUMBER NOT USED.

18. Regarding Executive Summary component of the Downtown Plan.

SETTING DATE OF HEARINGS

19. On vacation and conveyance of a portion of SE 1st Street right-of-way, along with conveyance of a segment of previously vacated Monroe Street, all adjoining 1306 SE 1st Street, to 1306 Diamond View, LLC, $7,610, (10-22-07).

20. On vacation and conveyance of an encroachment easement and air space easement, to allow for encroachment of the building at 600 E. Grand Avenue, to Rescare, Inc., $636, (10-22-07).

21. On request from Evangel Retirement Homes, Inc. to rezone property at 2600 Hubbell Avenue and 2131 E. 25th Street from “R-3” (Multiple-Family Residential) and “FW” (Floodway) to “PUD” (Planned Unit Development) and for approval of PUD Conceptual Plan for “Valley View Village” to allow redevelopment of existing retirement community in a phased master plan approach including addition of new independent apartments, assisted living apartments, catered living, and brownstone townhome to replace existing independent cottages, custodial living, and skilled units, subject to conditions, (10-22-07).

22. On request from James Ellis to rezone property at 6260 SE 19th Street from “R1-80” (One-Family Residential) to “C-2” (General Retail and Highway Oriented Commercial) to allow redevelopment of property for mini-warehouse use, subject to conditions, (10-22-07).

23. On request from LeMar Koethe to rezone property at 6001 Indianola Avenue from “R1-80” (One-Family Residential) to “C-1” (Neighborhood Retail Commercial), “R-4” (Multiple Family Residential), Limited “R-3” (Multiple-Family Residential), and “R-1-70” (One-Family Low-Density Residential) to allow for large scale mixed use development, subject to conditions, (10-22-07).


(Council Communication No. 07-600)


LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS


27. Approving payment of $5,685.43 to Eugene Aswegan for a workers’ compensation claim.

28. Approving payment of $13,840 to Leroy Rothfus, Richard Rothfus and Roland Rothfus for a claim as a result of condemnation of temporary and permanent easements of farmland property located in Warren County.

29. Approving payment of $23,000 to Cassandra Stapes as the result of a motor vehicle accident.

30. Approving payment of $12,990 to Deborah Zimmer as a result of a sewer backup.

CITY MANAGER COMMUNICATIONS

31. Submitting travel request for Kevin Moran, Kerry Schneider, and Julie Stundins.

  (Council Communication No. 07-610)

APPROVING

32. Fiscal Year 2005 Continuum of Care (COC) Closeout Certification Documents.

33. Nelson Development 15, L.L.C. application for Enterprise Zone Benefits, 300 E. Grand Avenue, in Gateway Enterprise Zone.

  (Council Communication No. 07-598)

34. Receipt of report from Plan and Zoning Commission regarding post construction stormwater ordinance and ratification of ordinance.
   
   (Council Communication No. 07-599)

36. 2008 City Council Meeting Schedule.

37. Communication from Downtown Community Alliance requesting approval of banner design to display in downtown Des Moines in the Western Gateway Park and East Locust Street throughout the winter months.

38. Use of City Facilities as poll sites for the Regular City Election to be held on Tuesday, November 6, 2007.


40. Bid from TNT Landscaping for plant materials to be used by the Parks & Recreation Department for installation at various City park locations, $46,780. (Thirteen bids mailed, two received).
   
   (Council Communication No. 07-597)

41. Civil Service Entrance Lists for Custodial Worker, Public Safety Mobile Data Specialist, and Building Equipment Operator.

42. Authorizing Finance Director to draw checks on registers for the weeks of October 8 and October 15, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 8 and October 15, 2007; and to draw checks for bi-weekly payroll due October 12, 2007.

ORDINANCES - FINAL CONSIDERATION

43. Amending Chapter 114 of the Municipal Code, to place a handicapped parking space on the south side of Court Avenue between 4th Street and 5th Avenue.

44. Amending Chapter 70 of the Municipal Code regarding hunting permits in the Des Moines Special Deer Management Zones.

* * * * * * * * * * END CONSENT AGENDA * * * * * * * * * *
COUNCIL REQUESTS

45. From Council Member Bob Mahaffey, to speak regarding the honorary naming of a portion of Maple Street, to honor Dick Youngs.

46. From Council Member Tom Vlassis to speak regarding Public Art in Grand Junction, Colorado. (Short presentation)

*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 47 THRU 55)

47. On appeal of Historic Preservation Commission decision regarding 1520 Center Street: (continued from 9-24-07)

(A) Affirming the decision.

(B) ALTERNATE RESOLUTION: Reversing the decision.  

(Council Communication No. 07-618)

48. On request from John Williams to amend the Airport Commerce Park West PUD Conceptual Plan for property at 3700 SW 61st Street, to allow an automobile body and fender repair shop and garage for general motor vehicle repair.

49. On conveyance of City-owned property adjoining 2722 E. Walnut Street to Robert L. Green, $1.

50. 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. 14th Street Widening Project, $68,585.

(Council Communication No. 07-604)

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above, (waiver requested by applicant), requires six votes.

51. Items regarding property at 2800 E. University:
(A) **Amending** the Des Moines 2020 Community Character Land Use Plan future land use designation for the northern portion of the property from Low-Density Residential to Commercial: Auto Oriented Small-Scale Strip Development.

(B) **Hearing** on rezoning the property from “R1-60” (One-Family Low-Density Residential) and “C-2” (General Retail and Highway Oriented Commercial) to Limited “C-2” to allow for use as a vehicle display lot for ATVs, mopeds, scooters and related vehicles, subject to conditions.

(C) **First** consideration of ordinance above.

(D) **Final** consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

52. Items regarding property at 1455-2nd Place and 218 Clark Street, Central City Liquors:

(A) **Amending** the Des Moines 2020 Community Character Land Use Plan future land use designation, from Low Density Residential to General Industrial.

(B) **Hearing** on rezoning the property 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. **To be continued to October 22nd at the request of the applicant.**

(C) **First** consideration of ordinance above.

(D) **Final** consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

53. Items regarding property at 1900 SE 6th Street (former South Des Moines Little League):

(A) **Amending** the Des Moines 2020 Community Character Land Use Plan future land use designation, from Low/Medium Density Residential to Medium Density Residential.

(B) **Hearing** on request from Curly Top, LLC (Southview Senior Apartment L.L.L.P., John Mauro, (General Partner) to rezone property from Limited “R-3” (Multiple-Family Residential) to an amended Limited “R-3” to remove the existing zoning condition requiring a Planned Unit Development to allow up to 80 units of senior apartments.
(C) **First** consideration of ordinance above.

(D) **Final** consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

(E) **Form** of Agreement and authorizing execution of HOME Loan for new construction of 40 units of Low Income Senior Housing with Southview Senior Apartment L.L.L.P., John Mauro, (General Partner), $250,000.

  *(Council Communication No. 07-613)*


  *(Council Communication No. 07-609)*

(A) **Approval** of contract and bond.

55. **On** M. L. King Jr. Park Shelter & Congregate Meal Site: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Rochon Corporation of Iowa, Inc., (Ron Rochon, President), $920,750.

  *(Council Communication No. 07-617)*

(A) **Approving** contract and bond and permission to sublet.

*** END HEARINGS AT ____________ PM ***

APPROVING

56. **Amended** and Restated Urban Renewal Development Agreement with River Point West LLC and a Loan Agreement with River Point West Investment Fund LLC for the Riverpoint West Redevelopment Project.

  *(Council Communication No. 07-612)*

57. **Receipt** of report from Polk County Conservation Board and letter from The Academy regarding the former Science Center and authorizing City Manager to negotiate with The Academy for lease of the building.
58. Receipt of “Goals to Make Des Moines Bicycle Friendly Community” from Des Moines Park and Recreation Board’s Trails and Greenways Advisory Committee.


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. Request from Council Member Hensley to discuss City support for World Food Prize Vision Iowa Grant Application. Sponsor: Hensley.

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:

   (A) 919 E. 9th Street, Titleholder: Heirs of Decedent Ella R. Smith.

   (B) 1107 E. 9th Street, Titleholder: LaSalle Bank National Association, Trustee.
(C) 1343 E. 9th Street (garage), Titleholders: Patrick E. Pollard and Brenda K. Pollard, Mortgage Holder: Mortgage Electronic Registration Systems, Inc.

(D) 3537 Dubuque, Titleholder: Helen Kutchen Randell.


MOTION TO ADJOURN AT _________________ P.M.

All-America City