

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:

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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 44:

LICENSES AND PERMITS

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

NEW APPLICATIONS

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

RENEWAL APPLICATIONS

(B)	BEST FOOD MART	4028 E 14TH ST	C
	Beer		

(C)	BLAZING SADDLE Liquor	416 E 5TH ST	C
(D)	BLUES ON GRAND Liquor	1501 GRAND AVE	C
(E)	CAMPBELLS CONCESSIONS Beer	3000 E GRAND AVE	B
(F)	CAMPBELLS CONCESSIONS Beer	3000 E GRAND AVE	B
(G)	CARLOS O'KELLYS MEX CAFE Liquor	6250 SE 14TH ST	C
(H)	CENTRO RESTAURANT Liquor	1011 LOCUST ST	C
(I)	DAHLS FOODS Liquor	4343 MERLE HAY RD	E
(J)	DRAKE DINER Liquor	1111 25TH ST	C
(K)	EL ANGEL MEXICAN GROCERY Beer	4812 SW 9TH ST	C
(L)	EL ZACATECAS CLUB Liquor	3211 INDIANOLA AVE	C
(M)	FAMILY PANTRY Liquor	4538 LOWER BEAVER	E
(N)	FLEUR CINEMA & CAFE Beer/Wine	4545 FLEUR DR	C
(O)	G T RACE CAR BAR Liquor	3013 INGERSOLL AVE	C
(P)	GIT N GO STORE #33 Beer	865 42ND ST	C
(Q)	HY VEE GAS DES MOINES #5 Beer	1113 E ARMY POST RD	C
(R)	KARTARS MINI MART Beer	3761 E UNIVERSITY AVE	C
(S)	KENNY DS Liquor	3925 E 14TH STREET	C
(T)	ROBINS WOOD OVEN GRILL Liquor	6401 SE 14TH ST	C
(U)	ZIMMS Liquor	3124 INGERSOLL AVE	C

OUTDOOR SERVICE APPLICATIONS

(V)	KELLEYS ON BEAVER Liquor Adding permanent outdoor service area.	3606 BEAVER AVE	C
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SPECIAL EVENT APPLICATIONS

- (W) BARATTAS/SCOTTISH RITE 519 PARK ST C
Liquor
Fourteen day license for Jingle Bell Bash on December 4-9, 2007. Pending approval of Building Department.
- (X) BARATTAS/SCOTTISH RITE 519 PARK ST C
Liquor
Five day license for Bridal Show on November 24, 2007. Pending approval of Building Department.
- (Y) ST ANTHONY CATHOLIC CHURCH 15 INDIANOLA RD B
Beer
Five day license for event on October 20, 2007. Pending approval of Building, Electrical and Fire Departments.
- (Z) VARIETY THE CHILDRENS CHARITY 400 LOCUST ST C
Liquor
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.

[\(Council Communication No. 07-602\)](#)

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.

[\(Council Communication No. 07-603\)](#)

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.

[\(Council Communication No. 07-608\)](#)

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 Dinges, 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).
24. [On](#) Proposed Fourth (2008) Year Action Plan of the 2005-2009 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (11-19-07).

[\(Council Communication No. 07-600\)](#)

- (A) [Communication](#) from Neighborhood Revitalization Board (NRB) regarding the Fourth (2008) and Fifth (2009) Year Action Plans.
25. [On](#) proposed Amended and Restated Urban Renewal Agreement for Sale of Land for Private Redevelopment, to Vision Fuels Des Moines, L.L.C., (10-22-07).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. [Approving](#) payment of \$247.50 to Myers & Jenkins Law Firm for representation in the UAL Corporation, ATA Holdings Corp., Delta Air Lines Inc., et. al. (Comair, Inc.) and Northwest Airlines Corporation, et. al. Bankruptcies.
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.

35. [Receipt](#) of Certificate of Achievement for the 2006 Performance Report.

([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.
39. [Request](#) from Des Moines Marathon for approval of banners across the streets on Locust between 3rd/4th and finish on 3rd between Locust and Walnut Streets on Sunday, October 21, 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.

[\(Council Communication No. 07-613\)](#)

- 54. [On](#) Des Moines and Raccoon Rivers Safety Cabling: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Cramer and Associates, Inc., (Robert Cramer, President/CAO), \$93,130.

[\(Council Communication No. 07-609\)](#)

- (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.

[\(Council Communication No. 07-615\)](#)

58. [Receipt](#) of “Goals to Make Des Moines Bicycle Friendly Community” from Des Moines Park and Recreation Board’s Trails and Greenways Advisory Committee.

[\(Council Communication No. 07-614\)](#)

59. [E.](#) Indianola Avenue Corridor Study, and Professional Services Agreement with Snyder & Associates, Inc. (David Moeller, P.E., President, Ankeny, IA) for the E. Indianola Avenue Roadway Design, \$988,908.

[\(Council Communication No. 07-601\)](#)

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.

2. [Assessment](#) of demolition and enforcement costs for emergency removal of structure located at 445 Dunham, Titleholder: New Haven Corporation.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003