

DES MOINES CITY COUNCIL MEETING

November 5, 2007

4:30 P.M.

INVOCATION: Pastor Loren Strait
Glen Echo Christian Church
4323 Douglas 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 27-I:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	FLAVORS OF INDIA	520 ARMY POST RD	C Liquor
(B)	GIT N GO STORE #19	9536 COUNTY LINE RD	C Beer
(C)	JESSES EMBERS	3301 INGERSOLL AVE	C Liquor
(D)	KAMODO KLUB SAKE N SUSHI	214 3RD ST	C Liquor
(E)	DUBLIN	2307 UNIVERSITY AVE	C Liquor

RENEWAL APPLICATIONS

(F)	AMICI EXPRESSO	206 6TH AVE	C Liquor
(G)	EL CORITA	1541 E GRAND AVE	C Liquor
(H)	FLEUR WINE & ALE	4521 FLEUR DR	E Liquor
(I)	JEANNIES BOTTLE	3839 MERLE HAY RD	C Liquor
(J)	RUSTYS	2565 WEDGEWOOD RD	C Liquor
(K)	SUPER QUICK	303 SE 30TH ST	C Beer

TRANSFER TO NEW LOCATION

- (L) JOESEPPES 1930 SE 14TH ST C Liquor
Permanent transfer from 1500 SE 1st Street.

OUTDOOR SERVICE APPLICATIONS

- ~~(M) KELLEYS ON BEAVER 3606 BEAVER AVE C Liquor
Adding permanent outdoor service area.~~

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:
- (A) [Court](#) Avenue Streetscape Rehabilitation – Receiving of bids, (11-20-07), and Setting date of hearing, (12-3-07). (Construction Estimate - \$719,412.50).
[\(Council Communication No. 07-663\)](#)
- (B) [American](#) Discovery Trail Wetlands Mitigation – Receiving of bids, (11-20-07), and Setting date of hearing, (12-3-07). (Construction Estimate - \$215,000).
[\(Council Communication No. 07-667\)](#)
- (C) [Police](#) Station Emergency Generator – Receiving of bids, (12-4-07), and Setting date of hearing, (12-17-07). (Construction Estimate - \$650,000).
[\(Council Communication No. 07-665\)](#)
6. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for “Safe Routes To School” (SRTS)-Enhanced School Crossings at Signalized Intersections.
[\(Council Communication No. 07-658\)](#)
7. [Approving](#) Professional Services Agreement with Calhoun-Burns & Associates for design of the Fleur Drive Planters, not to exceed \$38,051.20.
[\(Council Communication No. 07-660\)](#)

8. [Communication](#) from Cramer and Associates, Inc. requesting permission to sublet certain items on the Center Street Pedestrian Bridge (Riverwalk).
9. [Accepting](#) completed construction and approving payment for The Underground Company, Ltd. for the 2007 Sanitary /Storm Manhole and Intake Repair.

SPECIAL ASSESSMENTS

10. Approving deletion of NAC-Emergency Assessments for the following:
 - (A) [2040](#) Capitol Avenue.
 - (B) [4015](#) South Union Street.

LAND/PROPERTY TRANSACTIONS

11. [Approving](#) real estate documents for property at 5531 McKinley Avenue from John W. and Debra A. Croft for the Airport Runway 13R/31L Project.

[\(Council Communication No. 07-662\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

12. [Recommendation](#) from Council Member Bob Mahaffey to reappoint Gerald James III to the Des Moines Music Commission, Seat 5, for a two-year term commencing July 1, 2007 to expire July 1, 2009.

SETTING DATE OF HEARINGS

13. [On](#) request from Vision Fuels Des Moines, LLC to rezone property located in the 3800 block of Vandalia Road from “M-1” (Light Industrial) to “PUD” (Planned Unit Development) and approve revised “Vision Fuels” PUD Conceptual Plan for 165 acres of land to be developed with light industrial and limited heavy industrial uses including development and production of renewable fuels such as dry mill Ethanol, (11-19-07).
14. [On](#) request from A & C Properties to rezone property located at 4444 Douglas Avenue from “R1-60” (One-Family Low-Density Residential) and “C-2” (General Retail and Highway Oriented Commercial) to “PUD” (Planned Unit Development) and approve a PUD Conceptual Plan, “Beaverdale Hy-Vee”, to allow for redevelopment of property for a supermarket with off-street parking, (11-19-07).

15. [On](#) conveyance of north ½ of the vacated east/west alley right-of-way adjoining 2800 Kinsey Avenue to Robert and Barbara Henderson, \$25, (11-19-07).
16. [On](#) vacation and conveyance of portions of E. Walnut Street and E. 30th Court adjoining the Iowa State Fairgrounds, to the State of Iowa, \$5,000, (11-19-07).
17. [On](#) request from Sherman Hill Association for a Zoning Ordinance text amendment to allow the Board of Adjustment to grant exceptions to the residency requirement regarding commercial uses in “R-HD” Residential Historic District, (11-19-07).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

18. [Approving](#) payment of \$189.40 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.
19. [Approving](#) payment of \$4,000 to Desirae Grandmaitre as a result of an automobile accident.
20. [Approving](#) payment of \$5,988.75 to Gene Ramirez for a workers’ compensation claim.
21. [Approving](#) payment of \$9,198.25 to Hall & Associates for services related to the combined sewer system and combined sewer overflows related to the NPDES Permit.
22. [Approving](#) payment of \$25,000 to Robyn H. Falk as a result of a fall at the Police Department building.

CITY MANAGER COMMUNICATIONS

23. [Submitting](#) travel requests for Tim Briggs.

[\(Council Communication No. 07-664\)](#)

APPROVING

24. [Lease](#) Agreements with Polk County for use of Archie Brooks, Chesterfield, Logan, and Scott Four Mile Community Centers for congregate meal sites, and for office space at Logan Community Center.

[\(Council Communication No. 07-656\)](#)

25. [Communication](#) from Iowa Events Center requesting permission to place a temporary banner on the southeast corner of Wells Fargo Arena in association with sporting events held at the arena, to remain through May 2008.

26. Bids from the following:

(A) [Minneapolis](#) Asphalt Systems for high performance asphalt cold mix for use by the Public Works Department, \$84,000. (Seven bids mailed, two received.)

(B) [Stuifbergen](#) Bulb Company for flower bulbs for use by the Park & Recreation Department, \$33,637.70. (Eleven bids mailed, five received.)

(C) [Toyne](#) Inc. for one replacement fire engine for use by the Fire Department, \$462,479. (Thirteen bids mailed, three received.)

[\(Council Communication No. 07-648\)](#)

(D) [Intergraph](#) Public Safety for non-competitive procurement of software upgrade to the Computer Aided Dispatch (CAD) system for use by the Police Department, \$89,000.

(E) [Foster](#) and Freeman for non-competitive procurement of digital fingerprint capture system for use by the Police Department, \$60,396.79.

[\(Council Communication No. 07-647\)](#)

27. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 5 and November 12, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 5 and November 12, 2007; and to draw checks for bi-weekly payroll due November 9, 2007.

ORDINANCES - SECOND CONSIDERATION

27-I [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

(A) Designation of a Three-Way Stop Intersection-Guthrie Avenue and North Union Street.

(B) Parking Restriction – West side of 27th Street, north of Carpenter Avenue.

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

ORDINANCES - FIRST CONSIDERATION

28. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

- (A) Installation of Stop Signs at the Intersection of E. 8th Street and Filmore Street.
- (B) Revision of Parking Meter Time Limits at various locations.

[\(Council Communication No. 07-659\)](#)

***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 29 THRU 33)

29. [On](#) request from Mora, Inc. to rezone property at 1434 Des Moines Street from “C-1” (Neighborhood Retail Commercial) to Limited “C-2” (General Retail and Highway Oriented Commercial) to allow for conversion of retail space to a billiard parlor, subject to conditions. **(Plan and Zoning Commission recommends DENIAL)**

30. [On](#) vacation and conveyance of the east/west alley right-of-way adjoining 2112 Woodland Avenue to Freedom Financial Bank, \$2,400.

[\(Council Communication No. 07-661\)](#)

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

31. [On](#) voluntary annexation of property east of the 3000 block of NE 56th Street, (Darlene A. Fini – Phase 2).

32. Items regarding property at 1455-2nd Place and 218 Clark Street, Central City Liquors, (Continued from October 22, 2007 Council meeting):

- (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 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.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
33. [On](#) 2008 Sewer Televising Program: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as American Hydro Services, Inc., (Greg Oberhofier, President), \$343,975.

[\(Council Communication No. 07-668\)](#)

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

END HEARINGS AT _____ P.M.

APPROVING

34. [Second](#) Consideration of an ordinance amending Chapter 134 of the Municipal Code, to expand the corridors along which off-premise advertising signs (billboards) are generally prohibited and to restrict the right to replace or modify existing non-conforming signs.
- [\(Council Communication No. 07-670\)](#)
35. [Resolution](#) establishing a temporary moratorium on issuance of year-long sound permits.
- [\(Council Communication No. 07-669\)](#)
36. [Professional](#) Services Agreement with Agrest and Gandelsonas Architects, LLP for schematic design of the Pappajohn Sculpture Garden at Western Gateway Park, not to exceed \$132,750.

[\(Council Communication No. 07-671\)](#)

37. [Development](#) Agreement and authorizing execution of contract documents for a \$350,000 grant to Joe's Square L.L.C. for development of a mixed-use project at Beaver Avenue and Fagen Drive.

([Council Communication No. 07-657](#))

38. [Form](#) of Offering Documents for the issuance of not to exceed \$40,000,000 Aviation System Revenue Refunding Capital Loan Notes, Series 2007D, Series 2007E and Taxable Series 2007F, and authorizing execution and distribution. **(a special Council meeting will be held on December 5th at 4:00 PM in the Mayors' Conference Room).**

([Council Communication No. 07-649](#))

Extra Item 1 - [Request](#) from Rosana Olson, to speak regarding rezoning of 2426 SE 14th Street, (approved by roll call 07-1110 of June 4, 2007). Sponsor: Council Members Meyer and Hensley.

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) [1321](#) Fremont, Titleholder: Franklin R. Failor, Contract Buyer and/or Tenant: Ralph Riggs.
 - (B) [1223](#) E. 36th Court, Titleholder: Federal National Mortgage Association.

MOTION TO ADJOURN AT _____ P.M.



All-America City
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