

# DES MOINES CITY COUNCIL MEETING

December 3, 2007 4:30 P.M.

## PROCLAMATIONS – 4:00 P.M.

Employee Learning Week  
Holiday Food Program Weeks  
Human Rights Month

**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 33:

## LICENSES AND PERMITS

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

### NEW APPLICATIONS

(A)	HY VEE GAS #4	4701 FLEUR DR	C Beer
<del>(B)</del>	<del>MARIANAS</del>	<del>1305 UNIVERSITY AVE</del>	<del>B Beer</del>
(C)	PIRAMIDAS	2718 DOUGLAS AVE	C Liquor
(D)	SUPER QUICK	303 SE 30TH ST	E Liquor

### RENEWAL APPLICATIONS

(E)	BUZZARD BILLYS	100 COURT AVE	C Liquor
<del>(F)</del>	<del>CLUB STATIK</del>	<del>215 E 2ND ST</del>	<del>C Liquor</del>
(G)	DAHLS FOODS	1819 BEAVER AVE	E Liquor
(H)	DAWG HOUSE	2301 HUBBELL AVE	C Liquor
(I)	FELIX & OSCARS	4050 MERLE HAY ROAD	C Liquor

(J)	GIT N GO STORE #2	1307 ARMY POST RD	C Beer
(K)	HESSEN HAUS	101 4TH STREET	C Liquor
(L)	HIGH LIFE LOUNGE	200 SW 2ND ST	C Liquor
(M)	KUM & GO #208	3200 SE 14TH ST	C Beer
(N)	KUM & GO #2731	3104 UNIVERSITY AVE	C Beer
<del>(O)</del>	<del>LA HACIENDA</del>	<del>900 E ARMY POST RD</del>	<del>C Liquor</del>
(P)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(Q)	LOVELY FOOD MART	4600 FLEUR DR	C Beer
(R)	ROYAL MILE	210 4TH ST	C Liquor
(S)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor
(T)	VAUDEVILLE MEWS	212 4TH ST	C Liquor

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

## PUBLIC IMPROVEMENTS

6. Approving and authorizing execution of Iowa Department of Transportation Agreements for the following:

- (A) [No.](#) 2008-ICAAP-03 for E. University Avenue/E. 30<sup>th</sup> Street Traffic Signal Interconnect Improvements.

[\(Council Communication No. 07-712\)](#)

- (B) [Ingersoll](#) Avenue Streetscape from 29<sup>th</sup> Street to 31<sup>st</sup> Street.

[\(Council Communication No. 07-713\)](#)

7. [Approving](#) and authorizing execution of Iowa Department of Transportation (IDOT) Change Order No. 22 to Keo Way Phase 2 Storm Sewer Outlet, not to exceed \$35,473.04.

[\(Council Communication No. 07-718\)](#)

8. Approving Professional Services Agreements with Veenstra & Kimm, Inc. for the following:

- (A) [Design](#) and construction phase services for the 33<sup>rd</sup> Street Storm Sewer Separation, not to exceed \$99,456.

[\(Council Communication No. 07-717\)](#)

- (B) [Design](#) and construction phase services for the Lower Union Park Sewer Separation, not to exceed \$328,405.

[\(Council Communication No. 07-716\)](#)

9. Accepting completed construction and approving final payment for the following:
  - (A) [Grimes](#) Asphalt & Paving Corporation – 2007 Expanded Street Resurfacing Program – Contract 1.
  - (B) [Sternquist](#) Construction, Inc. – 2007 PCC Overlay Program.
  - (C) [Ti-Zack](#) Concrete, Inc. – 2007 Sidewalk Replacement Program – Contract 1.

#### **SPECIAL ASSESSMENTS**

10. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2007-18.
11. Approving the following for November 2007:
  - (A) [Delinquent](#) Sewer Rental and /or Solid Waste/Stormwater Utility Credits.
  - (B) [Delinquent](#) Sewer Rental and/or Solid Waste/Stormwater Utility Fees.

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

12. [Recommendation](#) from City Manager to appoint Council Member Bob Mahaffey to the Multiple Education Pathways Blueprint (MEPB) Leadership Team.
- 12-I. [Recommendation](#) from Mayor Frank Cownie to appoint Brook Rosenberg to Seat 1 on the Zoning Board of Adjustment commencing April 1, 2006 to expire April 1, 2011.

#### **COMMUNICATIONS FROM PLANNING AND ZONING**

13. [Regarding](#) request from Principal Life Insurance Company for vacation and conveyance of rights-of-way related to the proposed parking structure at 707 8<sup>th</sup> Street, subject to conditions.
  - (A) [Setting](#) date of hearing on vacation and conveyance of an easement for subsurface and air space adjoining 707 8<sup>th</sup> Street to Principal Life Insurance Company, \$2,917, (12-17-07).

#### **SETTING DATE OF HEARINGS**

14. [On](#) vacation and conveyance of north/south alley right-of-way from Thornton Avenue to Rose Avenue, between SW 3<sup>rd</sup> Street and SW 4<sup>th</sup> Street, to adjoining property owners, \$725, (12-17-07).

15. [On](#) vacation and conveyance of air space easement above Park Street, between 7<sup>th</sup> and vacated 8<sup>th</sup> Street, to Principal Life Insurance Company, \$594, (12-17-07).
16. [On](#) request from Tim Hildebrandt to rezone property at 2680 E. Payton Avenue from “R1-80” (One-Family Residential) to “R-3” (Multiple-Family Residential), **only for the portion of property designated for the assisted living project**, to allow for development of that portion of the property with a 50 unit assisted living residential apartment complex, subject to conditions, (12-17-07).
17. [On](#) approval of development agreement with Mesaba Airlines, Inc. for property at the Des Moines International Airport, (12-17-07).
18. [On](#) appeal of Permit and Development Administrator’s decision to deny Plat of Survey for land in the vicinity of 3630 120<sup>th</sup> Avenue (located within the two mile jurisdiction area), (12-17-07).

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

19. [Approving](#) payment of \$791.90 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.
20. [Approving](#) payment of \$7,200 to JoAnn Keyes as the result of an automobile accident.
21. [Approving](#) Settlement Agreement with Enterprise Rent-A-Car Company.

#### **CITY MANAGER COMMUNICATIONS**

22. [Submitting](#) travel requests for T.M. Franklin Cownie, Randy Dawson and Danielle Galien.

[\(Council Communication No. 07-722\)](#)

#### **APPROVING**

23. Authorization of \$175,000 Grant Applications to Polk County Housing Trust Fund for the following:

- (A) [City](#) of Des Moines Minor Repair Loan Program.

[\(Council Communication No. 07-724\)](#)

- (B) [City](#) of Des Moines’ Owner-Occupied Housing Rehabilitation Program for a Lead-Based Paint Control Program offered jointly with Polk County Health Department.

[\(Council Communication No. 07-723\)](#)

24. [Amendment](#) to Recyclables Processing Services Contract with Mid America Recycling, Inc. for adjustment of prices.

[\(Council Communication No. 07-714\)](#)

25. [Recommendation](#) of Plan and Zoning Commission regarding honorary street renaming of Maple Street between E. 11<sup>th</sup> Street and E. 13<sup>th</sup> Street to “Dic Youngs Way”.

26. [Receipt](#) of 2007 Polk County Assessor Annual Report.

27. [Communication](#) from Civic Center of Greater Des Moines requesting permission to place a temporary banner on north side of Civic Center building in association with the presentation of The Radio City Christmas Spectacular to remain in place until early January 2008.

28. Bids from the following:

- (A) [Karl](#) Chevrolet for six (6) Tactical Team Equipment Sport Utility Vehicles for use by Iowa’s Weapons of Mass Destruction (WMD) Tactical Officers Task Force Leadership Committee, \$265,398. (Eleven bids mailed, three received).

[\(Council Communication No. 07-708\)](#)

- (B) [Thomas](#) Bus Sales for six (6) Tactical Team Equipment Transport & Support Trailers for use by Iowa’s Weapons of Mass Destruction (WMD) Tactical Officers Task Force Leadership Committee, \$241,536. (Seven bids mailed, two received).

[\(Council Communication No. 07-707\)](#)

- (C) [Truck](#) Country of Des Moines for one (1) replacement side loading refuse truck for use by the Solid Waste Division of the Public Works Department, \$73,723. (Eight bids mailed, three received).

[\(Council Communication No. 07-715\)](#)

29. [Civil](#) Service Entrance lists for Appraisal and Acquisition Specialist and Legal Assistant I and Promotional list for Fire Medic.

30. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 3 and December 10, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 3 and December 10, 2007; and to draw checks for bi-weekly payroll due December 7, 2007.

**ORDINANCES - FINAL CONSIDERATION**

- 31. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
  - (A) Installation of Stop Signs at the Intersection of E. 8<sup>th</sup> Street and Filmore Street.
  - (B) Revision of Parking Meter Time Limits at various locations.

**ORDINANCES - SECOND CONSIDERATION**

- 32. [On](#) request from Sherman Hill Association for a Zoning Ordinance text amendment to allow the Board of Adjustment to grant exception to the residency requirement regarding commercial uses in “R-HD” Residential Historic District.
- 33. [On](#) rezoning of the property 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).
  - (A) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

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

**ORDINANCES - FIRST CONSIDERATION**

- 34. [Amending](#) Chapter 114 of the Municipal Code regarding modification of Traffic Calming Proposals on 41<sup>st</sup> and 42nd Streets between University Avenue and Forest Avenue.

[\(Council Communication No. 07-711\)](#)

**COUNCIL REQUESTS**

- 35. [Request](#) from Council Member Brian Meyer to speak regarding ordinances on mobile vendors and transient merchants.

## COMMUNICATIONS/REPORTS

36. [From](#) Imam Kashif to speak regarding the benefits of raising tobacco permit fees.

**\*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 37 THRU 43)

37. [On](#) appeal from Monica Sanchez, 2917 Franklin Avenue, of the Administrative Hearing Officer's decision regarding her dog.
38. [On](#) conveyance of previously vacated north/south alley right-of-way between E. 28<sup>th</sup> Court and E. 29<sup>th</sup> Street, south of Dean Avenue, to adjoining property owners, \$200.

[\(Council Communication No. 07-719\)](#)

39. [On](#) proposed extension of the "S-O" Study Overlay District for Four Mile Creek floodplain.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.
40. Items regarding property at 800 E. Court Avenue, Iowa Association of Community College Trustees, to allow for development of vacant land for administrative office use, subject to conditions:
- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Public/Semi-Public to Downtown Support Commercial.
- (B) [Hearing](#) on rezoning property from "R-4" (Multiple Family Residential) to "C-1" (Neighborhood Retail Commercial).
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

41. [Residential](#) Development Agreement with Jack DeLeon Construction, Inc. at the northwest corner of 13<sup>th</sup> and Clark Streets, in conjunction with the Forest Avenue Urban Renewal Project.

(A) [Hearing](#) on conveyance of 1307 Clark Street to Jack DeLeon Construction, \$1.

[\(Council Communication No. 07-725\)](#)

42. [On](#) American Discovery Trail Wetlands Mitigation: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as C.A.C., Inc., (Chris Christensen, Owner), \$126,370.

[\(Council Communication No. 07-721\)](#)

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

43. [On](#) Court Avenue Streetscape Rehabilitation: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Baker Electric, Inc., (Britt Baker, CEO), \$626,358.41.

[\(Council Communication No. 07-720\)](#)

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

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

## **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. [Setting](#) Date of Hearing on intent to acquire property and authorize acquisition of private property interests thereof from Mabel B. Nicolino for the SE Connector Project – SW 2<sup>nd</sup> to SE 6<sup>th</sup> Phase. SPONSOR: Meyer.



## 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) [1624](#) Carpenter Avenue (garage), Titleholders: Rosetta Sims and Linda Sims.
  - (B) [1611](#) 8<sup>th</sup> Street, Titleholder: Khamphoui Calo.
  
2. [Release](#) of Fire escrow account held for the structure located at 340 East Rose.

COMMUNICATION

3. [Regarding](#) demolition cost reserve being held by Nationwide Insurance for fire-damaged structure located at 713 Monona Avenue.

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



All-America City  
1949 1976 1981 2003