**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

January 7, 2008 4:30 P.M.

Reception – 3:00 – 4:00 P.M.
for
T.M. Franklin Cownie, Mayor
Chris Coleman, Council Member At-Large
Robert Mahaffey, Council Member, Ward II
Brian Meyer, Council Member, Ward IV
Great Hall, 2nd Floor
400 Robert D Ray Drive

Oath of Office Ceremony - 4:00 – 4:15 P.M.

Municipal Housing Governing Board Meeting – 4:15 P.M.

**INVOCATION:** Chaplain John Harrell
Fire Department

**08-004**

1. ROLL CALL: Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis. Council Member Kiernan participated in the meeting by telephone.

   I. Approving reappointment of the following:

   **08-005** (A) **City** Manager. Moved by Hensley to adopt. Motion Carried 7-0.

   **08-006** (B) **City** Attorney. Moved by Hensley to adopt. Motion Carried 7-0.

   **08-007** (C) **City** Clerk. Moved by Hensley to adopt. Motion Carried 7-0.
(D) **Chief** Deputy City Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**

(E) **Deputy** City Attorneys and Assistant City Attorneys. **Moved by Hensley to adopt. Motion Carried 7-0.**

(F) **The** matter of performance evaluations for the City Manager, City Attorney, City Clerk, and Human Rights Director be referred to the Employee Evaluation Subcommittee, (Coleman, Hensley and Mahaffey) for report back at the January 28, 2008 Council Meeting. **Moved by Vlassis to adopt. Motion Carried 7-0.**

08-011  
**II. Approving** recommendation of Mayor Cownie for appointment of Council Member Christine Hensley as Mayor Pro Tem for 2008. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Hensley.**

08-012  
2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:** **Moved by Vlassis to adopt. Motion Carried 7-0.**

3. **APPROVING CONSENT AGENDA – items 3 through 43:** **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS**

08-014  
4. **Approving** Alcoholic Beverage License Applications for the following: **Moved by Vlassis to adopt. Motion Carried 7-0.**

**NEW APPLICATIONS**

(A) BENNIGANS GRILL & TAVERN 1810 ARMY POST RD B Liquor
(B) LA TAPATIA 2 3504 MERLE HAY RD C Beer
(C) LA TAPATIA 3 4007 SE 13TH ST C Beer
(D) ROLLING WOK CAFE 1534 E GRAND AVE C Beer/Wine

**RENEWAL APPLICATIONS**

(E) A DONG RESTAURANT 1511 HIGH ST C Beer/Wine
(F) ALLIED INSURANCE 1100 LOCUST ST C Liquor
(G) BIG DOG BILLIARDS 2200 E EUCLID AVE C Liquor
(H) CHADS CLUB 2000 422 INDIANOLA AVE C Liquor
(I) CONEY ISLAND #2 3700 SW 9TH ST B Beer

*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.*
SPECIAL EVENT APPLICATIONS

(Z) IOWA WINE VILLAGE 730 3RD ST B Native Wine
In conjunction with the Home and Garden Show at Hy-Vee Hall on February 6-10, 2008. Pending approval of Building and Fire Departments.

08-015  5.  City Clerk to issue Coin Operated Machine Licenses.  Moved by Vlassis to adopt. Motion Carried 7-0.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

08-016  (A) American Discovery Trail Segment 3 from North Valley Drive to Bill Riley Trail along Walnut Creek – Receiving of bids, (1-16-08), and Setting date of hearing, (2-11-08). (Construction Estimate - $450,000). (Council Communication No. 08-016) Moved by Vlassis to adopt. Motion Carried 7-0.

08-017  (B) Gray’s Lake Terrace Building Shade Structure – Receiving of bids, (1-29-08), and Setting date of hearing, (2-11-08). (Construction Estimate - $110,000). (Council Communication No. 08-015) Moved by Vlassis to adopt. Motion Carried 7-0.

08-018  (C) Scott Avenue Bridge over Leetown Creekway – Receiving of bids, (1-29-08), and Setting date of hearing, (2-11-08). (Construction Estimate - $550,741.70). (Council Communication No. 08-017) Moved by Vlassis to adopt. Motion Carried 7-0.

08-019  7. Approving Agreement with U.S. Department of the Interior Geological Survey for the operation and maintenance of six (6) River and Stream Gauging Stations. (Council Communication No. 08-019) Moved by Vlassis to adopt. Motion Carried 7-0.
8. **Approving** Supplemental Agreement No. 5 to the I-235 Birds Run Outlet Storm Sewer Professional Services Agreement with Veenstra & Kimm, Inc. to perform design modifications and construction phase services for the Ingersoll Run Outlet Storm Sewer, not to exceed $455,605.22. *(Council Communication No. 08-013)* Moved by Vlassis to adopt. Motion Carried 7-0.

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

   - **08-021** (A) **Venter** Spooner, Inc. – Glendale/West Zone Maintenance Facility. Moved by Vlassis to adopt. Motion Carried 7-0.
   - **08-022** (B) **McAninch** Corporation – Twana/Bel-Aire Storm Sewer Improvements. Moved by Vlassis to adopt. Motion Carried 7-0.
   - **08-023** (C) **Van** Hauen & Associates, Inc. – Vandalia Trunk Sanitary Sewer Emergency Repair. Moved by Vlassis to adopt. Motion Carried 7-0.
   - **08-024** (D) **Rognes** Corporation – Upper Union Park Sewer Separation Phase II. Moved by Vlassis to adopt. Motion Carried 7-0.

SPECIAL ASSESSMENTS

10. **Levying** Assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2008-01. Moved by Vlassis to adopt. Motion Carried 7-0.

LAND/PROPERTY TRANSACTIONS

11. **Approve** and accept Warranty Deed for public right-of-way from Robert and Beverly Merkle in vicinity of 5219 NE 38th Avenue. Moved by Vlassis to adopt. Motion Carried 7-0.

12. **Establishing** fair market value for multiple properties for the Southeast Connector Project – SW 2nd to SE 6th Street Phase. *(Council Communication No. 08-014)* Moved by Hensley to adopt; refer to the City Manager to review the process and affirm the Council goal to retain as many businesses and residents as possible. Motion Carried 7-0.

13. **Approving** acceptance of easements for private development of a multiple family residential project at 6000 Creston Avenue from Deer Ridge V Limited Partnership. Moved by Vlassis to adopt. Motion Carried 7-0.

14. **Approving** issuance of Replacement Quit Claim Deed for vacated property adjoining 3606 E. 39th Street to George and Carrie Smith. Moved by Vlassis to adopt. Motion Carried 7-0.
15. **Approving** final plat for Forget Properties Plat 1, located at 4411 SE 14th Street. (Council Communication No. 08-011) Moved by Vlassis to adopt. Motion Carried 7-0.

**COMMUNICATIONS FROM PLANNING AND ZONING**

16. **Regarding** request from Art Cunningham for approval of a preliminary subdivision plat for “Chandler’s Acres” located at 4080 NE 47th Street. (Located within the two mile jurisdiction for extraterritorial review by the City). Moved by Vlassis to receive and file. Motion Carried 7-0.

17. **Regarding** request from HDR Land Development, LLC for approval of a preliminary subdivision plat for “Woods of Copper Creek Plat 1” located at 4680 NE 23rd Street, subject to conditions. Moved by Vlassis to receive and file. Motion Carried 7-0.

**SETTING DATE OF HEARINGS**

18. **On** vacation and conveyance of an air space easement adjoining 707 8th Street to Principal Life Insurance Company, $30, (1-28-08). Moved by Vlassis to adopt. Motion Carried 7-0.

19. **On** vacation and conveyance of an easement for air space above a portion of 13th Street right-of-way between Locust and Walnut Street, and above a portion of Walnut street right-of-way between 12th Street and 13th Street, to Nationwide Mutual Insurance Company, $400, (1-28-08). Moved by Vlassis to adopt. Motion Carried 7-0.

20. **On** request from Hubbell Realty Company to rezone a portion of 3915 Fleur Drive from “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development), subject to conditions, (1-28-08). Moved by Vlassis to adopt. Motion Carried 7-0.

21. **On** request from Foods Inc. (Dahl’s) to rezone 3425 Ingersoll Avenue from “NPC” (Neighborhood Pedestrian Commercial) and “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development), (1-28-08). Moved by Vlassis to adopt. Motion Carried 7-0.

22. **On** appeal by Trafalgar Properties, L.C. of Historic Preservation Commission Ruling for denial of Certificate of Appropriateness for proposed new garage at 1520 Center Street, (2-25-08). Moved by Vlassis to adopt. Motion Carried 7-0.

23. **On** 2008-1 Omnibus Amendment to City’s Urban Revitalization Plan on a three-year extension of tax abatement for residential and commercial development and amending the available schedules, (2-11-08). (Council Communication No. 08-006) Moved by Vlassis to adopt. Motion Carried 7-0.
08-039  24. **On** Supplement C-1 to the City’s Master Lease-Purchase Agreement for purchase of various vehicles and equipment for the Public Works Department, not to exceed $750,000, (1-28-08). *(Council Communication No. 08-005)* Moved by Vlassis to adopt. Motion Carried 7-0.

08-040  25. **On** 3-year lease agreement with Drake University for a building at 1222-24th Street, (former post office), to house the Des Moines Police Department Traffic Unit, (1-28-08). Moved by Vlassis to adopt. Motion Carried 7-0.

**LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

08-041  26. **Approving** payment of $148.50 to Myers & Jenkins Law Firm for services related to the UAL Corporation, ATA Holdings Corp., Delta Air Lines, Inc., et. al. (Comair, Inc.) and Northwest Airlines Corporation, et. al. bankruptcies. Moved by Vlassis to adopt. Motion Carried 7-0.

08-042  27. **Approving** payment of $20,808.66 to Melanie Bauer for a workers’ compensation claim. Moved by Vlassis to adopt. Motion Carried 7-0.

08-043  28. **Approving** payment of $11,927.26 to Roger Bauer for a workers’ compensation claim. Moved by Vlassis to adopt. Motion Carried 7-0.

08-044  29. **Approving** payment of $26,774.40 to John Payne for a workers’ compensation claim. Moved by Vlassis to adopt. Motion Carried 7-0.

08-045  30. **Approving** payment of $5,973.53 to Carl Priest for a workers’ compensation claim. Moved by Vlassis to adopt. Motion Carried 7-0.

08-046  31. **Approving** payment of $25,667.56 to Gary Reynolds for a workers’ compensation claim. Moved by Vlassis to adopt. Motion Carried 7-0.

**CITY MANAGER COMMUNICATIONS**

08-047  32. **Submitting** travel request for John L. Jones and Merrill Stanley. *(Council Communication No. 08-020)* Moved by Vlassis to adopt. Motion Carried 7-0.

**APPROVING**

08-048  33. **Urban** Renewal Development Agreement with Brownstones on Grand, LLC and Conceptual Development Plan for pending phases of The Brownstones on Grand. *(Council Communication No. 08-021)* Moved by Vlassis to adopt. Motion Carried 7-0.
34. **Agreements** related to an Economic Development Forgivable Loan for $120,000, an Economic Development Grant of up to $80,000, a State of Iowa Community Economic Betterment Account (CEBA) Loan of $150,000, and a CEBA Forgivable Loan of $150,000 to American Healthways Services, Inc.  *(Council Communication No. 08-009)*  Moved by Vlassis to adopt.  Motion Carried 7-0.

35. **Acceptance** of grant from Greater Des Moines Community Foundation for digital model of downtown.  *(Council Communication No. 08-010)*  Moved by Vlassis to adopt.  Motion Carried 7-0.

36. **Amendment** to the Police Department Schedule of Fees.  Moved by Vlassis to adopt.  Motion Carried 7-0.

37. **Receipt** of Des Moines Water Works’ adopted budget for calendar year ending December 31, 2008.  Moved by Hensley to receive and file.  Motion Carried 7-0.

38. **Selection** of Director and Alternate for the Metropolitan Coalition.  Moved by Coleman to adopt.  Motion Carried 7-0.

39. **WITHDRAWN**

40. **Exception** to procurement ordinance competitive bidding requirements for good cause and approving Evelyn K. Davis Park Program Management Agreement with June L. Owens & Associates, LLC, $75,000.  *(Council Communication No. 08-007)*  Moved by Vlassis to adopt.  Motion Carried 7-0.

41. **Civil** Service Entrance Lists for Public Works Assistant, Economic Development Coordinator, Housing Services Accounting Analyst and CAD Graphic Technician and Promotional List for Sewer Maintenance Supervisor.  Moved by Vlassis to receive and file.  Motion Carried 7-0.

42. **Authorizing** Finance Director to draw checks on registers for the weeks of December 31, 2007, January 7 and January 14, 2008; to draw checks for the bills of the **Des Moines Municipal Housing Agency** for the week of December 31, 2007, January 7 and January 14, 2008; and to draw checks for bi-weekly payroll due January 4 and January 18, 2008.  Moved by Vlassis to adopt.  Motion Carried 7-0.
ORDINANCES - SECOND CONSIDERATION

08-059  43. **Amending** Chapter 74 of the Municipal Code regarding fees for golf courses, lodges, park shelters and other park rentals, pool rental, Brenton Skating Plaza, Simon Estes Riverfront Amphitheater and vendors. **Moved by Vlassis that this ordinance be considered and given second vote for passage.** Motion Carried 7-0.

08-060  (A) **Final** consideration of ordinance above, (waiver requested by Park and Recreation Department), requires 6 votes. **Moved by Vlassis that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass,** #14,737. **Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

08-061  44. **Amending** Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: (Council Communication No. 08-018) **Moved by Hensley that this ordinance be considered and given first vote for passage.** Motion Carried 7-0.

(A) Passenger Loading Zone – adjacent to Polk County Convention Complex entry area on Grand Avenue.

(B) Removal of Commercial Loading Zone – South side of High Street, east of 16th Street.

(C) Removal of Watson Powell Jr. Way between Grand Avenue and 2nd Avenue.

(D) Petition for Parking Restrictions – Scandia Avenue from SE 5th to SE 7th and Removal of stop sign at SE 7th and Scandia.

08-062  (E) Final consideration of ordinance above, requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass,** #14,738. **Motion Carried 7-0.**
45. **Rezoning** property between E. Payton and E. Army Post Road from Indianola Avenue through the 2900 block of E. Payton; and between E. Payton Avenue and E. Porter/E. Caulder Avenue, from the 2700 block through the 2900 block, from “R1-80” (One-Family Residential) to Ltd. “C-1” (Neighborhood Retail Commercial), Ltd. “R-3” (Multiple Family Residential) and Ltd. “R1-70” (One Family Low-Density Residential), and repealing Ordinance No. 14,716. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) **Final** consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes. **Moved by Meyer that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,739. Motion Carried 7-0.**

**COMMUNICATIONS/REPORTS**

46. **From** Ted Grob, Savannah Homes, 800 50th Street, WDM, to speak regarding Silver Leaf PUD, 5100 NE 38th Avenue. **Moved by Mahaffey to receive and file comments; refer to the City Manager to work with Mr. Grob and report back to Council at the January 28, 2008 Council Meeting. Motion Carried 7-0.**

47. **From** Park and Recreation Board regarding initiation of a multi-jurisdictional planning process for development of Des Moines and Raccoon Rivers Greenway. **Moved by Coleman to receive and file the attached letter and refer to the City Manager. Motion Carried 7-0.**

**HEARINGS (OPEN AT 5:18 P.M.) (ITEMS 48 THRU 50)**

48. **On** appeal from Gretchen Schultz, 115 E. Caulder Circle, regarding recommended denial of a Taxicab License. **Moved by Coleman to grant the license for a six-month probationary period. Motion Carried 7-0.**

49. **On** property in the vicinity of 2680 E. Payton Avenue:

(A) **To** amend the Des Moines 2020 Community Character Land Use plan future land use designation from Public/Semi-Public and Easter Lake New Town Plan General Development Zone, and Low-Density Residential, to Low/Medium Density Residential – only for the portion of property designated for the assisted living project on the submitted development concept. **Moved by Meyer to adopt and approve the proposed amendment. Motion Carried 7-0.**
Hearing on request from Tim Hildebrandt to rezone property from “R1-80” (One Family Residential) to “R-3” (Multiple-Family Residential) to allow a 50-unit assisted living residential apartment complex. Moved by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.

First consideration of ordinance above. Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

Final consideration of ordinance above, (waiver requested by the applicant), requires 6 votes. Moved by Meyer that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,740. Motion Carried 7-0.

On development agreement with Mesaba Airlines, Inc. for property at the Des Moines International Airport. (Continue to February 11, 2008 at 5:00 P.M.) Moved by Hensley to continue to February 11, 2008 at 5:00 PM. Motion Carried 7-0.

** END HEARINGS AT 5:48 PM **

APPROVING

Iowa Terrorism/Weapons of Mass Destruction Hazardous Materials Response Team Memorandum of Agreement with State of Iowa Homeland Security and Emergency Management Division. (Council Communication No. 08-003) Moved by Kiernan to adopt. Motion Carried 7-0.

Receipt of review of decision of Board of Adjustment to conditionally approve a use variance to allow a garage for general motor vehicle repair at 4540 Lower Beaver Road. (Council Communication No. 08-022) Moved by Vlassis to receive and file. Motion Carried 7-0.

Agreement with Downtown Community Alliance (DCA) for Enhanced Parking System Customer Services and Related Programs. Moved by Hensley to adopt. Motion Carried 7-0.

Child Care Center Operational Agreement with Childtime Child Care, Inc. to operate and manage the child care center in the Intermodal Transportation Facility at Sixth and Center Streets. (Council Communication No. 08-004) Moved by Hensley to adopt. Motion Carried 7-0.
EXTRA ITEMS
These extra items are filed after 5:00 PM 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.

08-077  1. **Update** from the Super Block Master Plan Committee and request for extension of completion date to April 2008. Sponsor: Meyer. *(Council Communication No. 08-023)*
Moved by Meyer to approve. Motion Carried 7-0.

BOARD OF HEALTH

08-078 MOTION TO CONVENE. Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.

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

08-079  (A) 2000 SW 1st Street (fire damaged structure), Titleholder: Theodore Rice. Moved by Vlassis to adopt. Motion Carried 7-0.

08-080  (B) 2914 Oxford (structure, accessory building, garage), Titleholder: Judith A. Byerly. Moved by Vlassis to adopt. Motion Carried 7-0.

08-081 MOTION TO ADJOURN. Moved by Vlassis to adjourn at 6:02 PM. Motion Carried 7-0.

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