



**\*\*\* DES MOINES CITY COUNCIL MEETING REPORT \*\*\***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '08-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**February 11, 2008 4:30 P.M.**

**SPECIAL PRESENTATIONS – 4:00 P.M.**

Mrs. Pascale Remy, St-Etienne guest

Mick Barry, Mid-America Recycling

**INVOCATION:** Rev. Irvin Lewis  
Des Moines Police Department Chaplain

- [08-194](#) 1. **ROLL CALL: Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis.**
- [08-195](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**

\* \* \* \* \*

**\*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.

[08-196](#)

- 3. APPROVING CONSENT AGENDA – items 3 through 37: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS**

[08-197](#)

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

**NEW APPLICATIONS**

(A)	BELLA NOCHE	4808 SW 9TH ST	C Liquor
(B)	DES MOINES CLUB	666 GRAND AVE	A Liquor
(C)	DES MOINES EMBASSY CLUB	1000 GRAND AVE	C Beer/Wine
(D)	EMBASSY CLUB	1011 LOCUST ST	C Liquor
(E)	EMBASSY CLUB	801 GRAND AVE	A Liquor
(F)	EMBASSY CLUB	801 GRAND AVE	B Wine

**RENEWAL APPLICATIONS**

(G)	CENTERPLATE	1 LINE DR	C Liquor
(H)	EL AGUILA REAL AUTHENTIC	3600 BEAVER AVE	C Liquor
(I)	FAREWAY STORE #900	100 E EUCLID AVE	C Beer
(J)	FAREWAY STORE #975	3000 SE 22ND ST	C Beer
(K)	HY VEE FOOD STORE #1	3330 M L KING J PKWY	C Beer
(L)	INGERSOLL LIQUOR	3500 INGERSOLL AVENUE	E Liquor
(M)	KUM & GO #209	3400 SE 14TH ST	C Beer
(N)	MARS CAFE	2318 UNIVERSITY AVE	C Beer/Wine
(O)	QUIKTRIP #501	2221 E EUCLID AVE	C Beer
(P)	SHANGRI LA BUFFET	4349 MERLE HAY ROAD	B Beer

[08-198](#)

- 5. Consideration of Class C Liquor License for Southport Sports Bar at 1101 Army Post Road. **Moved by Hensley to continue until the applicant has adequately addressed issues and submitted a plan of action regarding recommendations. Motion Carried 7-0.**

[08-199](#)

- 6. Consideration of Class B Beer License for Coriglianos Pizza, 2619 SW 9<sup>th</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-200](#)

- 7. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

8. Ordering construction of the following:

- [08-201](#) (A) [SE 5<sup>th</sup> Street over Yeader Creek Bridge Rehabilitation](#) – Receiving of bids, (2-19-08), and Setting date of hearing, (3-10-08). (Construction Estimate - \$283,981.45). ([Council Communication No. 08-068](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-202](#) (B) [1624 Pennsylvania Avenue Storm Sewer Repair](#) – Receiving of bids, (2-26-08), and Setting date of hearing, (3-10-08). (Construction Estimate - \$100,385). ([Council Communication No. 08-065](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-203](#) (C) [Sayers Park Water Service](#)-Receiving of bids, (2-26-08), and Setting date of hearing, (3-10-08). (Construction Estimate - \$32,000). ([Council Communication No. 08-067](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-204](#) 9. [Execution](#) of Iowa Department of Transportation (IDOT) Change Order No. 24 to Keo Way Phase 2 Storm Sewer Outlet, not to exceed \$44,975. ([Council Communication No. 08-059](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-205](#) 10. [Approving](#) completion and acceptance of Private Construction Contract between Baker Electric, Inc. and Meredith Corporation Foundation for trail lighting improvements, Water Street from Principal Park to the Union Railroad Bridge. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-206](#) 11. [Accepting](#) completed construction and approving final payment for 2007 Expanded Street Resurfacing Program-Contract 3, Grimes Asphalt & Paving Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- [08-207](#) 12. [Levying](#) assessments for cost of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2008-03. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-208](#) 13. [Approving](#) deletion of Special Assessment at 1603 13<sup>th</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

- [08-209](#) 14. [Approving](#) acceptance of real estate documents for property at 4049 Fagen Drive from Joe's Square, L.L.C. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-210](#) 15. [Establishing](#) fair market value and authorizing acquisition of multiple properties for the High Street Realignment – 10<sup>th</sup> Street to 14<sup>th</sup> Street Project. ([Council Communication No. 08-062](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [08-211](#) 16. [Communication](#) from Access Advisory Board Chair, Steve Oberbroeckling, advising of the resignation of Susie McCauley, Seat 8, effective immediately. **Moved by Hensley to receive, file, and accept resignation with appreciation for her service. Motion Carried 7-0.**
- [08-212](#) 17. [Communication](#) from Historic Preservation Commission Chair, Susan Holderness, advising of the resignation of Tony Holub, Seat 9, effective immediately. **Moved by Hensley to receive, file, and accept resignation with appreciation for his service. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

18. On the following items:
- [08-213](#) (A) [Amendment](#) to the Annual Budget for the current fiscal year ending June 30, 2008, (2-25-08). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-214](#) (B) [Proposed](#) Annual Budget for the fiscal year ending June 30, 2009, (2-25-08). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-215](#) 19. [On](#) assessment of \$1,500 penalty and a 30-day suspension of liquor license for Family Pantry Store at 4538 Lower Beaver Rd. for violation of Iowa Alcoholic Beverage Laws, (2-25-08). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-216](#) 20. [On](#) assessment of \$500 penalties to Alcoholic Beverage License Holders for violation of Iowa Alcoholic Beverage Laws, (2-25-08). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-217](#) 21. [On](#) reconsideration of request from Iowa Association of Community College Trustees to rezone 800 E. Court Avenue from "R-4" (Multiple-Family Residential) to "C-1" (Neighborhood Retail Commercial), (2-25-08). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [08-218](#) 22. [On Lease Agreement with St. Joseph’s Church for parking on Grandview Park parking lot at E. 33<sup>rd</sup> Street and Easton Blvd., \(2-25-08\).](#) ([Council Communication No. 08-050](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [08-219](#) 23. [Approving](#) payment of \$816 to Ahlers & Cooney, P.C. for representation in general matters. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-220](#) 24. [Approving](#) payment of \$902.16 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for representation regarding the Des Moines International Airport. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-221](#) 25. [Approving](#) payment of \$767.50 to Hall & Associates for services related to the combined sewer system and combined sewer overflows related to the NPDES Permit. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-222](#) 26. [Approving](#) payment of \$66 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 Hensley to adopt. Motion Carried 7-0.**
- [08-223](#) 26-I [Approving](#) payment of \$56,015.46 to Linda Stanley and her attorney, Eric Updegraff, Stoltze & Updegraff, P.C. for judgment. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### CITY MANAGER COMMUNICATIONS

- [08-224](#) 27. [Submitting](#) travel requests for Michael R. Berry, Chris Johansen, Lori A. Neely, Michael West and Anna Young. ([Council Communication No. 08-074](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

#### APPROVING

- [08-225](#) 28. [Letter](#) of Support from the United Way of Central Iowa to the National League of Cities Institute for Youth, Education and Families for a grant “Promoting School Readiness in FFN Care Setting Phase II”. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-226](#) 29. [Receive](#) and file Comprehensive Annual Financial Report for fiscal year ended June 30, 2007. ([Council Communication No. 08-058](#)) **Moved by Hensley to receive and file report. Motion Carried 7-0.**
- [08-227](#) 30. [Termination](#) of Metropolitan Medical Response System (MMRS) Grant Agreement with the State of Iowa Homeland Security and Emergency Management Division. ([Council](#)

[Communication No. 08-049](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [08-228](#) 31. [Acceptance](#) of Sub-Grantee Agreements to administer FFY 2007 Homeland Security Grant Program Funds from Iowa's Homeland Security and Emergency Management Division. [Council Communication No. 08-046](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-229](#) 32. [Receive](#) and file Financial Statements of the Des Moines International Airport for the year ended June 30, 2007 and Independent Auditor's Report from McGladrey and Pullen, LLP. [Council Communication No. 08-057](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [08-230](#) 33. [Receive](#) and file Annual Report of Des Moines International Airport for year ended July 30, 2007. [Council Communication No. 08-064](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
34. Bids for the following:
- [08-231](#) (A) [Pomeroy](#) IT Solutions for CISCO network equipment for use by the IT Department, \$109,449. (Nine bids mailed, eights received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-232](#) (B) [Premier](#) Auto Solutions for annual contract with two (2) additional one year renewal options to furnish transmission repair services for use by the Equipment Maintenance Center, \$30,000. (Seven bids mailed, three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-233](#) (C) [Various](#) vendors, as indicated on bid tabulation sheet, for various fire fighting supplies for use by the Fire Department, \$67,837.48. (Thirteen bids mailed, eight received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- (D) NUMBER NOT USED.
- [08-234](#) (E) [ESRI](#) for non-competitive procurement of annual maintenance and support for Geographical Information System (GIS) software, \$32,083.57. ([Council Communication No. 08-055](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-235](#) (F) [Hewlett Packard](#) for replacement of desktop personal computers per Western States Contracting Alliance (WSCA) price agreement, \$675,000. ([Council Communication No. 08-051](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-236](#) 35. [Civil](#) Service Entrance Lists for Human Resources Generalist, False Alarm Coordinator, Senior Identification Technician and Conservatory/Greenhouse Horticulture Technician. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[08-237](#)

- 36. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of February 11 and February 18, 2008; to draw checks for the bills of the [Des Moines Municipal Housing Agency](#) for the weeks of February 11 and February 18, 2008; and to draw checks for biweekly payroll due February 15, 2008. **Moved by Hensley to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

[08-238](#)

- 37. [Amending](#) Chapters 10, 78 and 102 of the Municipal Code regarding permits and licenses for street use, temporary outdoor service, peddlers and transient merchants as related to street use events. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

\*\*Council considered Item 38 next\*\*

**ORDINANCES - SECOND CONSIDERATION**

[08-239](#)

- 38. [Amending](#) Chapter 78 of the Municipal Code regarding transient merchants and sales of food and merchandise from temporary facilities (as amended). ([Council Communication No. 08-047](#)) **Moved by Meyer to defer to the February 25, 2008 Council meeting to allow the City Manager to coordinate a meeting with various groups in the community and available council members for input and dialogue. Motion Carried 7-0.**

\*\*Council considered Hearing Items 44 thru 53 next\*\*

**ORDINANCES - FIRST CONSIDERATION**

[08-240](#)

- 39. [Amending](#) Chapter 42 of the Municipal Code regarding noise control. ([Council Communication No. 08-048](#)) **Moved by Kiernan that this ordinance be considered and given first vote for passage, amended as follows: 1) The city-wide Type A Permit to be allowed from 9:00 A.M. to 10:00 P.M. 2) The downtown permit for Sunday through Thursday to be allowed from 9:00 A.M. to 10:00 P.M. 3) Appeals of the Hearing Officer decisions will be heard by the City Council; refer to the City Manager to review changes to the Downtown area and other entertainment venues to allow higher decibel levels for live music events. This recommendation will be forwarded to Council at a later date. Motion Carried 5-2. Nays: Coleman and Meyer.**

WITHDRAWN

[08-241](#)

- (A) [Final](#) consideration of ordinance above, (waiver requested by City Manager), requires

~~6 votes.~~

WITHDRAWN

[08-242](#) (B) [Amendment](#) to Schedule of Fees.

WITHDRAWN

[08-243](#) 40. ~~[Amending](#) Chapter 74 of the Municipal Code regarding miniature golf fees.~~

[08-244](#) 41. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 08-060](#)) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Parking Revision – Public Library Lots.

(B) Parking Revisions – West side of 24<sup>th</sup> Street between Carpenter and University.

(C) Parking Restriction – Both Sides of Pleasant View Drive at Dead-End, east of SW 5<sup>th</sup> Street.

(D) Parking Restriction – North Side of E. Watrous Avenue, west of Indianola Avenue.

(E) Request for Loading Zone – 1500 block of E. Grand Avenue.

## COMMUNICATIONS/REPORTS

[08-245](#) 42. [From](#) William Lillis and Daniel Manning, regarding proposed Merle Hay Mall Redevelopment and Tax Increment Financing (TIF) District. ([Council Communication No. 08-075](#)) **Moved by Vlassis to receive and file the communication, direct staff to prepare a proposed urban renewal and tax increment financing plan for the Merle Hay area; and authorize the City Manager to negotiate a development agreement with the owners of Merle Hay Mall property for future City Council action. Motion Carried 7-0.**

## CITY MANAGER RECOMMENDATIONS

[08-246](#) 43. [Regarding](#) request from Ted Grob, Savannah Homes, 800 50<sup>th</sup> Street, WDSM, of the Silver Leaf PUD, 5100 NE 38<sup>th</sup> Avenue. ([Council Communication No. 08-072](#)) **Moved by Mahaffey to receive and file the communication. Motion Carried 7-0.**

**\*\*Council considered Item 54 thru Board of Health next\*\***



**HEARINGS (OPEN AT 6:20 P.M.) (ITEMS 44 THRU 53)**

- [08-247](#) 44. On the PUD Conceptual Plan proposed by Foods Inc. (Dahl's) for property at 3425 Ingersoll Avenue, (continued from 1-28-08). ([Council Communication No. 08-073](#)) **Moved by Hensley to adopt, including a change to item 9 – the City may consider...will be changed to the City shall consider... Also the City will monitor the traffic on 34<sup>th</sup> Street for possible cul-de-sac or barrier. Motion Carried 6-1. Nays: Cownie.**
- [08-248](#) (A) Second consideration of rezoning ordinance. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Cownie.**
- [08-249](#) (B) Final consideration of rezoning ordinance. **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, #14,744. Motion Carried 6-1. Nays: Cownie.**
- [08-250](#) 45. On 2008-1 Omnibus Amendment to City's Urban Revitalization Plan on a two year extension of tax abatement for residential and commercial development. ([Council Communication No. 08-052](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Meyer.**
- [08-251](#) 46. On conveyance of vacated east/west High Street right-of-way abutting 3024 High Street to Chinh Dao, \$1. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-252](#) 47. On conveyance of underground electric line easement across a portion of 11015 Beardsley Street for WRA Southern Tier Pump Station Project to MidAmerican Energy Company, \$1. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-253](#) 48. On conveyance of underground electric line easement across a portion of Glendale Cemetery to MidAmerican Energy Company, \$1. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-254](#) 49. On intent to acquire property located at southwest corner of SE 7<sup>th</sup> Street and Raccoon Street and authorize acquisition of private property interest from multiple property owners for the SE Connector Project – SE 6<sup>th</sup> Street to SE 14<sup>th</sup> Street. ([Council Communication No. 08-061](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [08-255](#) 50. On Development Agreement and Building Lease with Mesaba Airlines, Inc. for property at the Des Moines International Airport to be used for an Airplane Maintenance Base. ([Council Communication No. 08-063](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-256](#) 51. On American Discovery Trail Segment 3 from North Valley Drive to Bill Riley Trail along Walnut Creek: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Sheets Excavating, Ltd., (Charles Sheets, President), \$356,974.84. ([Council Communication No. 08-071](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-257](#) (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-258](#) 52. On Gray's Lake Terrace Building Shade Structure: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Venter Spooner, Inc., (Daniel Venter, President), \$107,300. ([Council Communication No. 08-069](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-259](#) (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-260](#) 53. On Scott Avenue Bridge over Leetown Creekway: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Sternquist Construction, Inc., (Britt Sternquist, President), \$473,632.74. ([Council Communication No. 08-070](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

[08-261](#) (A) Approving contract and bond and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 7-0.**

**\*\*END HEARINGS AT 7:10 P.M.\*\***

**\*\*Council considered Item 39 thru 43 next\*\***

## **APPROVING**

[08-262](#) 54. Various vendors for replacement vehicles for city-wide use, \$837,387.88. (Twenty-one bids mailed, seven received). ([Council Communication No. 08-076](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-263](#) 55. Addendum to Urban Renewal Agreement for Sale of Land for Private Redevelopment with Vision Fuels Des Moines, L.L.C. for approximately 164 acres of City-owned land located south of Vandalia Road in the SE Agribusiness Park. ([Council Communication No. 08-066](#)) **Moved by Meyer to adopt. Motion Carried 6-1. Nays: Cownie.**

- [08-264](#) 56. [Employment](#) of Gary D. Goudelock as Assistant City Attorney. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-265](#) 57. [License](#) Agreement with World Food Prize Foundation for limited use of the old Central Library Building. ([Council Communication No. 08-077](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## BOARD OF HEALTH

- [08-266](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

## AUTHORIZING

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

- [08-267](#) (A) [3512/3522](#) 6<sup>th</sup> Avenue, Titleholders: Frank and Marilyn Steinbach. **Moved by Mahaffey to defer action for sixty (60) days. Motion Carried 7-0.**

- [08-268](#) (B) [926](#) SE 15<sup>th</sup>, Administrative Removal – fire damage, Titleholders: Ernest P. Thompson and William P. Thompson (Deceased). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [08-269](#) (C) [913](#) Army Post Road, fire damage, Titleholders: Daniel M. Owen and Kendra L. Owen, Mortgage Holder: First American Bank, f/k/a Waukee State Bank. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## COMMUNICATION

- [08-270](#) 2. [Communication](#) regarding release of demolition cost reserve being held by GAB Robins on behalf of Iowa Fair Plan for the fire-damaged structure located at 2428 Saylor Road. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [08-271](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:01 P.M. Motion Carried 7-0.**

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