



**\*\*\* 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**

**August 25, 2008 4:30 P.M.**

**INVOCATION:** Rev. Irvin Lewis  
King of Kings Missionary Baptist Church  
619 S.E. 15<sup>th</sup> Street

[08-1482](#) 1. **ROLL CALL: Present: Hensley, Coleman, Kiernan, Mahaffey, Meyer and Vlassis. Absent: Cownie. Mayor Cownie participated by telephone during items 41-46.**

[08-1483](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Vlassis to adopt. Motion Carried 6-1.**

\* \* \* \* \*

**\*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.**

[08-1484](#) 3. **APPROVING CONSENT AGENDA – items 3 through 36: Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 6-1.**

**LICENSES AND PERMITS**

[08-1485](#)

- 4. [Approving](#) Alcoholic Beverage License applications for the following: **Moved by Vlassis to adopt. Item 4(D): City Manager will notify the Council if Tedesco Steakhouse applies for a sound permit. Motion Carried 6-1.**

**NEW APPLICATIONS**

(A)	AJS ON EAST COURT	419 E COURT AVE	C Liquor
<del>(B)</del>	<del>NUMBER NOT USED</del>		
<del>(C)</del>	<del>INFINITE</del>	<del>4140 PARK AVE</del>	<del>C Beer</del>
* <del>(D)</del>	<del>TEDESCO STEAKHOUSE</del>	<del>5418 DOUGLAS AVE</del>	<del>C Liquor</del>
(E)	TEQUILAS LIQUOR STORE	1434 DES MOINES ST	E Liquor

**RENEWAL APPLICATIONS**

(F)	CARLOS O'KELLYS MEX CAFE	4371 MERLE HAY RD	C Liquor
(G)	CASEYS GENERAL STORE #2314	3527 INDIANOLA AVE	C Beer
(H)	CASEYS GENERAL STORE #2784	4151 MERLE HAY RD	C Beer
(I)	CASEYS GENERAL STORE #2786	5150 E 14TH ST	C Beer
(J)	PAL JOEYS	6224 GRAND AVE	C Liquor
(K)	SHORTSTOP #38	3501 E 14TH ST	C Beer
(L)	SOME PLACE ELSE	1833 HUBBELL AVE	C Liquor
(M)	VICKIE'S	2801 2ND AVE	C Liquor

[08-1486](#)

- 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1.**

**PUBLIC IMPROVEMENTS**

[08-1487](#)

- 6. [Approving](#) Iowa Department of Transportation Agreement for S.E. 14<sup>th</sup> Street and E. Indianola Avenue Intersection Improvements. ([Council Communication No. 08-509](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-1488](#)

- 7. [Approving](#) State Recreation Trail Application to the Iowa Department of Transportation for the Principal Riverwalk Kiosk Building at Court Avenue Plaza. ([Council Communication No. 08-512](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-1489](#)

- 8. [Approving](#) Private Construction Contract for C.A.C., Inc. and Wakonda Living, LLC for Storm Sewer Improvements at Wakonda Plat 1. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-1490](#)

- 9. [Communication](#) from Jasper Construction Services, Inc. requesting permission to sublet certain items on Ingersoll Avenue Streetscape Improvements – 29<sup>th</sup> to 31<sup>st</sup> Streets. **Moved by Vlassis to adopt. Motion Carried 6-1.**

10. Accepting completed construction and approving final payment for the following

[08-1491](#)

(A) [Grimes](#) Asphalt & Paving Corporation – Combined Walnut Creek Trail – Phases 1A & 1B and American Discovery Trail – Segments 1 & 2. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-1492](#)

(B) [Cramer](#) and Associates, Inc. – Riverwalk Civic Gardens. **Moved by Vlassis to adopt. Motion Carried 6-1.**

### **SPECIAL ASSESSMENTS**

[08-1493](#)

11. [Approving](#) deletion of NAC-Emergency Assessment at 2414 SW 9<sup>th</sup> Street. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-1494](#)

12. [Approving](#) deletion of NAC-Emergency Assessment at various locations. **Moved by Vlassis to adopt. Motion Carried 6-1.**

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

[08-1495](#)

13. [Approving](#) recommendation from Mayor Frank Cownie to appoint himself and Council Member Tom Vlassis to the Library Board of Trustees' Building and Finance Committee. **Moved by Meyer to adopt. Motion Carried 6-1.**

[08-1496](#)

13-I [Recommendation](#) from Council Member At-Large Michael Kiernan to appoint George Davis III to the Sister Cities Commission, Seat 5 for a five-year term commencing April 28, 2006 to expire April 28, 2011. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-1497](#)

14. [Communication](#) from Marc Wallace advising of his resignation from the Plan and Zoning Commission, Seat 6, effective immediately. **Moved by Vlassis to receive, file, and accept resignation with appreciation for his service. Motion Carried 6-1.**

[08-1498](#)

15. [2007](#) Annual Report from the Greater Des Moines Public Art Foundation. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

[08-1499](#)

16. [Resolution](#) to receive and file the Access Advisory Board recommendation regarding construction plans for the John and Mary Pappajohn Sculpture Park. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

## SETTING DATE OF HEARINGS

- [08-1500](#) 17. [On](#) conveyance of portions of the vacated north/south alley right-of-way between E. 16<sup>th</sup> Street and Sampson Street, south of E. Hull Avenue to Luther Care Services for \$1,640, (9-8-08). **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-1501](#) 18. [On](#) conveyance of multiple City-owned properties to various parties, (9-8-08). **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-1502](#) 19. [On](#) approval of lease of City-owned property in the lower level of the 7<sup>th</sup> and Grand Avenue Parking Garage to R.K. Corporation d/b/a Mr. Filet for \$912 per month, (9-8-08). **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-1503](#) 20. [On](#) conveyance of City-owned property at 737 Grandview Avenue to Mort McElderry for \$500, (9-8-08). **Moved by Vlassis to adopt. Motion Carried 6-1.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [08-1504](#) 21. [Approving](#) payment of \$5,046.55 to Keri A. Wilken for property damage as the result of a sewer backup. **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-1505](#) 21-I [Approving](#) payment of \$12,031.66 to Baratta's Restaurant for property damage as the result of sewer backups. **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-1506](#) 22. [Approving](#) payment of \$5,000 to Allied Insurance and \$3,110.59 to Eric and Melissa Burkheimer for property damage as the result of sewer backup. **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-1507](#) 23. [Approving](#) payment of \$7,667.14 to Hall & Associates for services related to the Combined Sewer System and Combined Sewer Overflows related to the NPDES Permit. **Moved by Vlassis to adopt. Motion Carried 6-1.**

## CITY MANAGER COMMUNICATIONS

- [08-1508](#) 24. [Submitting](#) training requests for Lori L. Lavorato, Kevin Moran and Lori A. Neely. ([Council Communication No. 08-504](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**

## APPROVING

- [08-1509](#) 25. [Fiscal](#) Year 2006 Continuum of Care (COC) Closeout Certification Documents. **Moved by Vlassis to adopt. Motion Carried 6-1.**

- [08-1510](#) 26. [Execution](#) of Cooperative Agreement with United States Department of Housing and Urban Development (HUD) and City of Des Moines, Human Rights Commission to provide \$10,000 for administrative costs. ([Council Communication No. 08-508](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-1511](#) 27. [Supportive](#) Housing Program (SHP) Renewal Grant Agreement with the United States Department of Housing and Urban Development (HUD). ([Council Communication No. 08-503](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-1512](#) 28. [Issuance](#) of Certificate of Completion for 4<sup>th</sup> Street Condos and Market Place Lofts, and authorizing payment of economic assistance. ([Council Communication No. 08-515](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-1513](#) 29. [Amendment](#) to existing Nelson Development 15, LLC Application for Enterprise Zone Benefits for housing project at 300 E. Grand Avenue in Des Moines Gateway Enterprise Zone. ([Council Communication No. 08-520](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-1514](#) 30. [Lease](#) Agreement with Capitol Center, LLC, for thirty months, with an option of renewal for two additional one-year terms, for office space at 600 E. Court Avenue, Suite 200 to be used as City offices. ([Council Communication No. 08-524](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-1515](#) 31. [Acceptance](#) of donation in the amount of \$25,000 from Fighting For A Better World to the City's Community Services Division for assistance to low-income families impacted by 2008 flooding. ([Council Communication No. 08-507](#)) **Moved by Kiernan to approve. City Manager will report to Council regarding any additional information about this event. Motion Carried 5-1-1. Nays: Hensley. Absent: Cownie.**
- [08-1516](#) 32. [Authorizing](#) City Manager to execute Hold Harmless Agreements with host sites for Neighborhood Scrub Program. ([Council Communication No. 08-506](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-1517](#) 33. [Communication](#) from Downtown Community Alliance on behalf of Meredith Corporation to approve banner design in downtown Des Moines on Locust Street to be displayed Fall 2008. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 6-1.**
- [08-1518](#) 33-I [Bid](#) from Ace Pipe Cleaning for chemical root control services to sanitary sewer lines for use by the Public Works Department, \$31,782.63. (Seven bids mailed, three received). **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-1519](#) 34. [Civil](#) Service Entrance List for Customer Service Representative, Management Analyst, Housing Services Maintenance Mechanic B and Economic Development Assistant. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

[08-1520](#)

- 35. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of August 25 and September 1, 2008; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of August 25 and September 1, 2008; and to draw checks for bi-weekly payroll due August 29, 2008. **Moved by Vlassis to adopt. Motion Carried 6-1.**

**ORDINANCES - SECOND CONSIDERATION**

[08-1521](#)

- 36. [Amending](#) Chapter 118 of the Municipal Code regarding collection procedures for assessing delinquent sewer rental fees, solid waste charges, and storm water utility fees. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

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

\*\*Council considered Items 37 thru 39 next\*\*

**APPROVING**

[08-1522](#)

- 37. [Issuance](#) of request for private management of Grandview and Waveland Municipal Golf Courses. ([Council Communication No. 08-519](#)) **Moved by Vlassis to adopt, and approve the committee structure as proposed by the City Manager. Motion Carried 6-1.**

**ORDINANCES - FIRST CONSIDERATION**

[08-1523](#)

- 38. Amending Chapter 98 of the Municipal Code regarding penalties for deposit of leaves and/or yard debris on City Streets. ([Council Communication No. 08-505](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

[08-1524](#)

- (A) [Final](#) consideration of ordinance above, (waiver requested by Public Works Department), requires 6 votes. **Moved by Coleman 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, #14,792. Motion Carried 6-1.**

[08-1525](#)

- (B) [Amendment](#) to the Schedule of Administrative Penalties. **Moved by Coleman to adopt. Motion Carried 6-1.**

[08-1526](#)

39. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 08-514](#)) **Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

- (A) Parking Restriction on north side of School Street from 8<sup>th</sup> Street to 12th Street due to I-235 Reconstruction.
- (B) Parking Restriction on east side of SE 21<sup>st</sup> Street, south of Maury Street, to allow maneuverability at loading dock at ABC Metals.

[08-1527](#)

- (C) Final consideration of ordinance above. **Moved by Kiernan 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, #14,793. Motion Carried 6-1.**

**\*\*Council considered Hearing Items 41 through 46 next\*\***

## COMMUNICATIONS/REPORTS

[08-1528](#)

40. [From](#) David Kauzlarich, (Community Sign Painting), 3106 E. 24<sup>th</sup> Street to speak regarding the charge allowed by ordinance for painting house numbers on curbs in the City. **Moved by Coleman to receive and file comments; refer to the Legal Department to prepare an amendment to the ordinance increasing the maximum allowed charge to \$10. Motion Carried 6-1.**

## HEARINGS (OPEN AT 5:07 P.M.) (ITEMS 41 THRU 46)

41. Items regarding property at 4529 and 4539 Douglas Avenue, Clancy Sullivan and A & C Properties, Inc. and David and Sybil Nelson (continued from 8-11-08):

[08-1529](#)

- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development. **Moved by Vlassis to adopt, and approve the proposed amendment. Motion Carried 6-0. Council Member Coleman declares a conflict and abstains from voting.**

[08-1530](#)

- (B) [Hearing](#) on rezone property from “C-O” (Commercial-Residential) and “R1-60” (One-Family Low Density Residential) to “PUD” (Planned Unit Development) to allow development of property for PAT Brokerage PUD Conceptual Plan including commercial office and retail uses, subject to conditions. **Moved by Vlassis to adopt, and approve the rezoning, subject to final passage of the rezoning ordinance. The PUD Development Plan will be approved by the Community Development Department, and then forwarded back to the Plan and Zoning Commission for their approval. Item 16 in the listed conditions will be removed. Motion Carried 6-0. Council Member Coleman declares a conflict and abstains from voting.**

- [08-1531](#) 41. (C) [First](#) consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Council Member Coleman declares a conflict and abstains from voting.**
- [08-1532](#) (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), 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, [#14,794](#). Motion Carried 6-0. Council Member Coleman declares a conflict and abstains from voting.**
- [08-1533](#) 42. Extending the temporary moratorium on creation and expansion of Vehicle Display lots, pending a comprehensive review of the applicable regulations and guidelines. ([Council Communication No. 08-518](#)) **Moved by Meyer to adopt and continue the moratorium through November 11, 2008. Motion Carried 7-0.**
- [08-1534](#) (A) [Hearing](#) on City Council initiated amendments to Chapter 134 of the Municipal Code (Zoning Ordinance) regarding non-conforming use provisions, Chapter 82 (Site Plan Ordinance) regarding penalties for parking violations of a Site Plan, and Chapter 114 (Traffic & Vehicles Ordinance) regarding illegal off-street parking. **Moved by Meyer to adopt and approve the proposed amendment, subject to final passage of the enacting ordinance. Motion Carried 7-0.**
- [08-1535](#) (B) [First](#) consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [08-1536](#) (C) [Final](#) consideration of ordinance above, (waiver requested by 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, [#14,795](#). Motion Carried 7-0.**
- [08-1537](#) 43. Approving Residential Development Agreement with Jerry Lohner, for properties at 1511 and 1515 – 13<sup>th</sup> Street, in conjunction with the Forest Avenue Urban Renewal Project. ([Council Communication No. 08-523](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-1538](#) (A) [Hearing](#) on conveyance of City-owned property at 1511 and 1515 – 13<sup>th</sup> Street to Jerry Lohner for \$1. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-1539](#) 44. [On](#) conveyance of an underground electric line easement across City-owned property west of Ken Grandquist Drive for the Miracle Ball Field to MidAmerican Energy company for \$1. **Moved by Mahaffey to adopt. Motion Carried 7-0.**



[08-1540](#) 45. [On](#) conveyance of City-owned property located in the 800 block of SE 14<sup>th</sup> Court to “A” Diversified Service, Inc., \$3,000. ([Council Communication No. 08-513](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

[08-1541](#) 46. On 42<sup>nd</sup> Street & Kingman Boulevard Widening and Signalization: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (J. M. Yonker, President), \$350,782.18. ([Council Communication No. 08-510](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[08-1542](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Coleman to adopt. Motion Carried 7-0.**

\*\* END HEARINGS AT 6:29 P.M. \*\*

\*Council considered Items 40 then 47 through Board of Health next\*\*

## APPROVING

[08-1543](#) 47. [Emergency](#) proceedings for 3510 SW 5<sup>th</sup> Street Emergency Storm and Sanitary Sewer Repair and emergency contract with lowest responsible bidder, Van Hauen & Associates, Inc., (Mark Van Hauen, President), \$27,500. ([Council Communication No. 08-511](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**

48. Items regarding single-stream recycling program: ([Council Communication No. 08-522](#))

[08-1544](#) (A) [Bid](#) from Big Truck Rental for five (5) side loading refuse collection trucks to be used by the Solid Waste Division, \$67,500. (Five bids mailed, one received). **Moved by Kiernan to adopt. Motion Carried 6-1.**

[08-1545](#) (B) [Bid](#) from various companies for seven (7) refuse trucks to be used by the Solid Waste Division, \$1,449,087 (Eleven bids mailed, four received) and the sale of eleven (11) existing refuse trucks to Elliott Equipment Company, \$284,500. **Moved by Kiernan to adopt. Motion Carried 6-1.**

[08-1546](#) (C) [Procurement](#) of assembly and delivery services for Solid Waste collection carts. **Moved by Kiernan to adopt. Motion Carried 6-1.**

[08-1547](#) (D) [Amending](#) principal amount of previously approved Supplement No. C-2 to Governmental Lease-Purchase Master Agreement with Delage Landen Public Finance LLC for purchase of recycling carts and automated recycling trucks from \$3,025,000 to \$2,632,129. **Moved by Kiernan to adopt. Motion Carried 6-1.**

## 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.

[08-1548](#) 1. [Communication](#) from Iowa Events Center to approve banner for the Iowa Energy to be displayed at the Iowa Events Center. SPONSOR: Coleman. **Moved by Coleman to adopt. Motion Carried 6-1.**

[08-1549](#) (A) [Communication](#) from Convention and Visitor's Bureau to approve banner welcoming Shawn Johnson, Iowa's Golden Girl back to Iowa to be displayed on the north side of Veterans Auditorium for two weeks, starting Wednesday, August 27<sup>th</sup>. SPONSOR: Coleman. **Moved by Coleman to adopt. Motion Carried 6-1.**

## BOARD OF HEALTH

[08-1550](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1.**

## APPROVING

[08-1551](#) 1. [The](#) Legal Department to proceed with court action seeking authority to abate the public nuisance at 2229 E. Grand Avenue, structure and accessory structure, Titleholder: Robert J. Zagnoli, Mortgage Holder: Iowa State Bank. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-1552](#) 2. [Communication](#) from Superior Home Services on behalf of Wells Fargo Home Mortgage regarding release of demolition cost reserve being held by State Farm Insurance for the fire-damaged structure located at 909 E. Diehl Avenue. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-1553](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:35 P.M. Motion Carried 6-1.**

View City Council agendas online at [www.dmgov.org](http://www.dmgov.org)



All-America City