



\*\*\* 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 '07-' 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**

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

[07-2277](#) 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis.**

[07-2278](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis 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.

[07-2279](#) 3. APPROVING CONSENT AGENDA – items 3 through 33: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS**

[07-2280](#)

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

**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

[07-2281](#)

5. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

**PUBLIC IMPROVEMENTS**

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

[07-2282](#)

- (A) [No.](#) 2008-ICAAP-03 for E. University Avenue/E. 30<sup>th</sup> Street Traffic Signal Interconnect Improvements. ([Council Communication No. 07-712](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-2283](#)

- (B) [Ingersoll](#) Avenue Streetscape from 29<sup>th</sup> Street to 31<sup>st</sup> Street. ([Council Communication No. 07-713](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [07-2284](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
8. Approving Professional Services Agreements with Veenstra & Kimm, Inc. for the following:
- [07-2285](#) (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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-2286](#) (B) [Design](#) and construction phase services for the Lower Union Park Sewer Separation, not to exceed \$328,405. ([Council Communication No. 07-716](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
9. Accepting completed construction and approving final payment for the following:
- [07-2287](#) (A) [Grimes](#) Asphalt & Paving Corporation – 2007 Expanded Street Resurfacing Program – Contract 1. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-2288](#) (B) [Sternquist](#) Construction, Inc. – 2007 PCC Overlay Program. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-2289](#) (C) [Ti-Zack](#) Concrete, Inc. – 2007 Sidewalk Replacement Program – Contract 1. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **SPECIAL ASSESSMENTS**

- [07-2290](#) 10. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2007-18. **Moved by Hensley to adopt. Motion Carried 7-0.**
11. Approving the following for November 2007: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-2291](#) (A) [Delinquent](#) Sewer Rental and /or Solid Waste/Stormwater Utility Credits. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-2292](#) (B) [Delinquent](#) Sewer Rental and/or Solid Waste/Stormwater Utility Fees. **Moved by Hensley to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [07-2293](#) 12. [Recommendation](#) from City Manager to appoint Council Member Bob Mahaffey to the Multiple Education Pathways Blueprint (MEPB) Leadership Team. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-2294](#) 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- [07-2295](#) 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. **Moved by Hensley to receive and file and refer to the City Manager for implementation in accordance with the City's standard property disposition procedures. Motion Carried 7-0.**
- [07-2296](#) (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). **Moved by Hensley to adopt. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [07-2297](#) 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). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-2298](#) 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). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-2299](#) 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). **Moved by Meyer to refer back to Community Development for additional information. Motion Carried 7-0.**
- [07-2300](#) 17. [On](#) approval of development agreement with Mesaba Airlines, Inc. for property at the Des Moines International Airport, (12-17-07). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [07-2301](#) 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). **Moved by Hensley to adopt. Motion Carried 7-0.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [07-2302](#) 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [07-2303](#) 20. [Approving](#) payment of \$7,200 to JoAnn Keyes as the result of an automobile accident. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [07-2304](#) 21. [Approving](#) Settlement Agreement with Enterprise Rent-A-Car Company. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### CITY MANAGER COMMUNICATIONS

- [07-2305](#) 22. [Submitting](#) travel requests for T.M. Franklin Cownie, Randy Dawson and Danielle Galien. ([Council Communication No. 07-722](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

#### APPROVING

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

- [07-2306](#) (A) [City](#) of Des Moines Minor Repair Loan Program. ([Council Communication No. 07-724](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [07-2307](#) (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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [07-2308](#) 24. [Amendment](#) to Recyclables Processing Services Contract with Mid America Recycling, Inc. for adjustment of prices. ([Council Communication No. 07-714](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [07-2309](#) 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". **Moved by Hensley to receive and file. Motion Carried 7-0.**

- [07-2310](#) 26. [Receipt](#) of 2007 Polk County Assessor Annual Report. **Moved by Hensley to receive and file attached report. Motion Carried 7-0.**

- [07-2311](#) 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. **Moved by Hensley to adopt. Motion Carried 7-0.**
28. Bids from the following:
- [07-2312](#) (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](#)) **Moved by Vlassis to defer to the December 17, 2007 Council Meeting. Motion Carried 7-0.**
- [07-2313](#) (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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-2314](#) (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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-2315](#) 29. [Civil](#) Service Entrance lists for Appraisal and Acquisition Specialist and Legal Assistant I and Promotional list for Fire Medic. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [07-2316](#) 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### ORDINANCES - FINAL CONSIDERATION

- [07-2317](#) 31. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance do now pass, #14,727. Motion Carried 7-0.**
- (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**

- [07-2318](#) 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. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- [07-2319](#) 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). **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- [07-2320](#) (A) **Final** consideration of ordinance above, (waiver requested by applicant), 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, #14,728. Motion Carried 7-0.**

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

**ORDINANCES - FIRST CONSIDERATION**

- [07-2321](#) 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**) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

**COUNCIL REQUESTS**

- [07-2322](#) 35. **Request** from Council Member Brian Meyer to speak regarding ordinances on mobile vendors and transient merchants. **Moved by Meyer to refer to the City Manager, Legal and other related departments to prepare discussion for a Council Workshop before January 28, 2008; prepare ordinance for first reading on the January 28, 2008 Council Meeting and prohibit issuance of transient merchant licenses for more than sixty days effective December 4, 2007. Motion Carried 7-0.**



## COMMUNICATIONS/REPORTS

- [07-2323](#) 36. **From** Imam Kashif to speak regarding the benefits of raising tobacco permit fees. **Moved by Hensley to receive and file comments; Mr. Kashif did not appear at the Council Meeting. Motion Carried 6-1. Absent: Coleman.**

## HEARINGS (OPEN AT 5:05 P.M.) (ITEMS 37 THRU 43)

- [07-2324](#) 37. **On** appeal from Monica Sanchez, 2917 Franklin Avenue, of the Administrative Hearing Officer's decision regarding her dog. **Moved by Coleman to uphold declaration and to humanely destroy the animal. Motion Carried 6-1. Nays: Cownie.**
- [07-2325](#) 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](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-2326](#) 39. **On** proposed extension of the "S-O" Study Overlay District for Four Mile Creek floodplain. **Moved by Vlassis to adopt and approve the zoning, subject to final passage of the zoning ordinance. Motion Carried 7-0.**
- [07-2327](#) (A) **First** consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [07-2328](#) (B) **Final** consideration of ordinance above, (waiver requested by Community Development Director), 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, #14,729. Motion Carried 7-0.**
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:
- [07-2329](#) (A) **To** amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Public/Semi-Public to Downtown Support Commercial. **Moved by Meyer to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [07-2330](#) (B) **Hearing** on rezoning property from "R-4" (Multiple Family Residential) to "C-1" (Neighborhood Retail Commercial). **Moved by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [07-2331](#) (C) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**



- [07-2332](#) (D) [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, #14,730. Motion Carried 7-0.**
- [07-2333](#) 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. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-2334](#) (A) [Hearing](#) on conveyance of 1307 Clark Street to Jack DeLeon Construction, \$1. ([Council Communication No. 07-725](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-2335](#) 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](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-2336](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-2337](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-2338](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

\*\*END HEARINGS AT 5:23 P.M.\*\*

#### EXTRA ITEMS

- [07-2339](#) 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, (12-17-07). SPONSOR: Meyer. **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.**

## BOARD OF HEALTH

[07-2340](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Coleman.**

### AUTHORIZING

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

[07-2341](#) (A) [1624](#) Carpenter Avenue (garage), Titleholders: Rosetta Sims and Linda Sims. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-2342](#) (B) [1611](#) 8<sup>th</sup> Street, Titleholder: Khamphoui Calo. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-2343](#) 2. [Release](#) of Fire escrow account held for the structure located at 340 East Rose. **Moved by Kiernan to adopt. Motion Carried 7-0.**

### COMMUNICATION

[07-2344](#) 3. [Regarding](#) demolition cost reserve being held by Nationwide Insurance for fire-damaged structure located at 713 Monona Avenue. **Moved by Mahaffey to receive and file and to direct the City Attorney to bring legal action within one hundred eighty days (180 days) of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

[07-2345](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:05 PM. Motion Carried 7-0.**

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