



*** 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

December 22, 2008 4:30 P.M.

PROCLAMATIONS – 4:15 P.M.

[Universal](#) Hour of Peace

INVOCATION: Council Member Tom Vlassis

[08-2171](#) 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Mahaffey, Kiernan, Meyer and Vlassis.**

[08-2172](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Coleman to adopt. Motion Carried 7-0.**

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***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.

[08-2173](#) 3. APPROVING CONSENT AGENDA – items 3 through 37: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

[08-2174](#)

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

NEW APPLICATIONS

(A)	ALL PLAY	615 3RD ST	C Liquor
(B)	CHIANTI	207 4TH ST	B Beer
(C)	KUM & GO #4110	2110 GUTHRIE AVE	C Beer
(D)	LA TAPATIA	1440 DES MOINES ST	C Beer
(E)	LA TAPATIA 2	3504 MERLE HAY RD	C Beer
(F)	LA TAPATIA 3	4007 SE 13TH ST	C Beer

RENEWAL APPLICATIONS

(G)	801 STEAK AND CHOP HOUSE	801 GRAND AVE	C Liquor
(H)	ALLIED INSURANCE	1100 LOCUST ST	C Liquor
(I)	CASEYS GENERAL STORE #2322	4331 PARK AVE	C Beer
(J)	CHRISTOPHERS DINING ROOM	2816 BEAVER AVE	C Liquor
(K)	CIVIC CENTER	1011 LOCUST ST	C Liquor
(L)	DAHLS FOODS	1320 E EUCLID AVE	E Liquor
(M)	DAHLS FOODS	1819 BEAVER AVE	E Liquor
(N)	DAWG HOUSE	2301 HUBBELL AVE	C Liquor
(O)	GIT N GO STORE #2	1307 ARMY POST RD	C Beer
(P)	GIT N GO STORE #24	1142 42ND ST	C Beer
(Q)	GIT N GO STORE #29	4900 URBANDALE	C Beer
(R)	KUM & GO #207	4200 HUBBELL AVE	C Beer
(S)	KUM & GO #208	3200 SE 14TH ST	C Beer
(T)	KUM & GO #2722	2211 UNIVERSITY	C Beer
(U)	KUM & GO #2731	3104 UNIVERSITY	C Beer
(V)	KUM & GO #552	4944 DOUGLAS AVE	C Beer
(W)	MEZZODIS	4519 FLEUR DR	C Liquor
(X)	MIYABI 9	512 E GRAND AVE	C Beer/Wine
(Y)	NOW OR LATER RESTAURANT	3750 E UNIVERSITY	C Liquor
(Z)	SMOKEYS TRIANGLE TAP	2506 POST	C Liquor
(AA)	TAVERN SOUTH PIZZA & PASTA	1106 ARMY POST RD	C Beer/Wine

[08-2175](#)

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

[08-2176](#)

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

PUBLIC IMPROVEMENTS

- [08-2177](#) 7. Ordering construction of Pleasant Drive Bridge over Cummins Creek – Receiving of bids, (1-27-09), and Setting date of hearing, (2-9-09). (Construction Estimate - \$1,016,787.25). ([Council Communication No. 08-752](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2178](#) 8. Approving Professional Services Agreement with HDR Engineering, Inc. for Tonawanda Ravines Improvement Study, not to exceed \$36,500. ([Council Communication No. 08-749](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
9. Items regarding the Principal Riverwalk:
- [08-2179](#) (A) Approving Change Order No. 7, with Cramer and Associates, Inc., for additional work on the Center Street Pedestrian Bridge, not to exceed \$94,574. ([Council Communication No. 08-748](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [08-2180](#) (B) Approving extension of time on the Center Street Pedestrian Bridge, to April 1, 2009. ([Council Communication No. 08-747](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2181](#) (C) Approving Permanent Closure of a portion of West River Drive at 2nd Avenue. ([Council Communication No. 08-750](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
10. Accepting completed construction and approving final payment for the following:
- [08-2182](#) (A) ADA Phase 1 Exterior Improvements – T K Concrete, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2183](#) (B) 2005 Storm Sewer Lining Program – Contract 1 – Municipal Pipe Tool Co., Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2184](#) (C) 2007 Designated Neighborhood Sidewalk Replacement – Contract 2 – Castle Concrete Services, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2185](#) (D) 2008 Sidewalk Replacement Program – Ti-Zack Concrete, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2186](#) (E) 2008-09 Sidewalk Program – Ti-Zack Concrete, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

11. Levying assessments for cost of Nuisance Abatement-NAC Emergency Orders for the following:

[08-2187](#) (A) [Public](#) Works Schedule 2008-18. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-2188](#) (B) [Community](#) Development Schedule No. 2008-17. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-2189](#) 12. [Approving](#) deletion of NAC-Emergency Assessment at 3701 Cornell St. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-2190](#) 13. [Approving](#) delinquent sewer rental and/or solid waste/stormwater utility fees for November 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-2191](#) 14. [Approving](#) delinquent sewer rental and/or sold waste/stormwater utility credits for November 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

[08-2192](#) 15. [Approving](#) 129 Tax Abatement applications for the additional value added by improvements made during 2008. ([Council Communication No. 08-738](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

[08-2193](#) 16. [Communication](#) from Mark Dinges advising of his resignation from the Access Advisory Board, Seat 11, effective immediately. **Moved by Vlassis to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

[08-2194](#) 17. [Communication](#) from Wayne Graham advising of his resignation from the Civil Service Commission, Seat 2, effective April 1, 2009. **Moved by Vlassis to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

[08-2195](#) 18. [On](#) vacation and conveyance of a segment of the east/west alley and a segment of the north/south alley between 24th and 25th Streets, north of Rollins Avenue and south of Interstate 235 to R. M. Madden Construction Inc., \$275, (1-5-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [08-2196](#) 19. [On](#) intent to acquire property for recreational trail purposes and authorize acquisition of the necessary property for the Waveland Trail, Phase 1 Project, (1-5-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [08-2197](#) 20. [Approving](#) payment of \$7,522.45 to Thomas Beschen for a property damage claim as the result of a sewer backup. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [08-2198](#) 21. [Approving](#) payment of \$23,313.82 to Robert Cramer for a workers' compensation claim. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [08-2199](#) 22. [Approving](#) payment of \$97,926.65 to Debra Howser for a workers' compensation claim. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [08-2200](#) 23. [Submitting](#) training requests for Colin Boone, Tonia Fairbanks, Allen McKinley and Jeff Morton. ([Council Communication No. 08-744](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

24. Applications for Enterprise Zone Benefits for housing projects in the Des Moines Gateway Enterprise Zone for the following: ([Council Communication No. 08-743](#))

- [08-2201](#) (A) [Riverpoint](#) I, LLC for construction of 91 units at 309 SW 8th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [08-2202](#) (B) [ND](#) 25 SW 5th, LLC for construction of 70 units at 328 SW 5th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [08-2203](#) (C) [Rumely](#) Lofts, LP for construction of 66 units at 104 SW 4th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [08-2204](#) (D) [Rocket](#) Transfer I, LLC for construction of 58 units at 702 Elm Street and 330 SW 7th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

25. Applications submitted by Hubbell Realty Company to Iowa Housing Finance Authority requesting low-income housing tax credits for the following: ([Council Communication No. 08-751](#))
- [08-2205](#) (A) [Development](#) of 58 units of affordable housing at 330 SW 7th Street, The Rocket Transfer Lofts. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2206](#) (B) [Development](#) of 91 units of affordable housing at 309 SW 8th Street, River Point Lofts. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2207](#) 26. [Preliminary](#) approval for a \$165,000 Loan to Stickel Enterprises, LLC for economic development project at 2925 Ingersoll Avenue. ([Council Communication No. 08-742](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- [08-2208](#) 27. [Amendment](#) No. 2 to the FY2006 Law Enforcement Terrorism Prevention Program Grant with Iowa Homeland Security and Emergency Management Division (HLSEM) to extend the performance period from 12-31-08 to 03-31-09. ([Council Communication No. 08-737](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- [08-2209](#) 28. [Receipt](#) of proposed Airport Board Regulation No. 08-58, Minimum Standards for Ground Service Equipment Maintenance Operators. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2210](#) 29. [Acceptance](#) of Iowa Department of Natural Resources Playground Safe Surfacing Initiative Grant and Grant Agreement. ([Council Communication No. 08-756](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2211](#) 30. [Des](#) Moines Fire Department and University of Iowa Hospitals and Clinics Emergency Services Clinical/Field Affiliation Agreement. ([Council Communication No. 08-757](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2212](#) 31. [Execution](#) of a 28E Agreement with the City of Norwalk for joint maintenance of joint boundary streets. ([Council Communication No. 08-740](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2213](#) 32. [Acceptance](#) of donation of “Ears of Joy” Sculpture from Barbara and Michael Gartner for display at Principal Park. ([Council Communication No. 08-739](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2214](#) 33. [Amendment](#) to Schematic Plan for John and Mary Pappajohn Sculpture Park. ([Council Communication No. 08-745](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2215](#) 34. [Bid](#) from GBA Master Series for procurement of annual maintenance and support for GBA Master Series sewer infrastructure management systems software to be used by the Public Works Department, \$26,640. ([Council Communication No. 08-741](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [08-2216](#) 35. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of December 22 and December 29, 2008; to draw [checks](#) for bills of the Des Moines Municipal Housing Agency for the week of December 22, 2008; and to draw checks for bi-weekly payroll due January 2, 2009. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- [08-2217](#) 36. [Amending](#) Chapter 90 of the City Code regarding the powers and duties of the Public Housing Board regarding purchasing and procurement powers. **Moved by Vlassis that this ordinance do now pass, #14,825. Motion Carried 7-0.**

- [08-2218](#) 37. [On](#) rezoning of property at 1930 Indianola Avenue, from “C-1” (Neighborhood Retail Commercial) to Ltd. “C-2” (General Retail and Highway Oriented Commercial), subject to conditions. **Moved by Vlassis that this ordinance do now pass, #14,826. Motion Carried 7-0.**

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

APPROVING

- [08-2219](#) 38. [Communication](#) from the City Manager regarding a recommended process and timeline for the site selection, building project and appropriate support services for the Central Iowa Shelter and Services Project on Keo Way, for referral to the Plan and Zoning for a recommendation. ([Council Communication No. 08-758](#)) **Moved by Kiernan to receive and file, and to refer to the Plan and Zoning Commission the vacation of former street and alley right-of-way at the Keo site and to return their recommendation to the City Council for the January 26, 2009 Council meeting. Motion Carried 5-2. Nays: Cownie and Vlassis.**

- [08-2220](#) 39. [Accepting](#) proposal from C Corporation for the management of Grandview and Waveland Municipal Golf Courses, and authorizing the City Manager to negotiate an agreement. ([Council Communication No. 08-753](#)) **Moved by Meyer to include in the contract early termination provisions for both parties, with the City’s right to terminate early if C Corporation does not meet their Capital Improvement obligations. Motion Carried 5-1-1. Nays: Mahaffey Pass: Vlassis**

- [08-2221](#) (A) [Request](#) from citizens to speak regarding the Golf Course Request for Proposals (RFP). **Moved by Kiernan to receive and file comments. Motion Carried 5-1-1. Nays: Mahaffey Pass: Vlassis**

ORDINANCES - FIRST CONSIDERATION

- [08-2222](#) 40. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: Council Communication No. 08-746) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Removal of one parking meter at the intersection of E. 6th and E. Walnut.
- (B) Decrease the length of “Municipal Employee Parking Only” along the north side of E. Grand Avenue, east of Robert D Ray Drive.
- [08-2223](#) (C) Final consideration of ordinance above 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, #14,827. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [08-2224](#) 41. From Mary Ann Aguilar-Gomez, 714 SE 10th Street, requesting to speak regarding release of a lien on her flood-damaged home. **Moved by Kiernan to refer to City Manager and Legal Department for a recommendation at the January 5, 2009 meeting. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 42 THRU 45)

- [08-2225](#) 42. On request from Savannah Homes, Inc. to amend the Silver Leaf PUD Conceptual Plan for 5100 NE 38th Avenue to allow reconfiguration of the street, alley and lot layout, including an increase in number of lots from 131 to 158, (continued from November 24, 2008). **Moved by Mahaffey to continue to January 5, 2009 at 5:00 PM. Motion Carried 7-0.**
43. On application from Daniel Owen d/b/a Owen Auto, for relief from temporary moratorium on vehicle display lots: (Council Communication No. 08-755)
- [08-2226](#) (A) Resolution to approve. **Moved by Hensley to adopt and approve the application for relief from the moratorium. Motion Carried 7-0.**
- WITHDRAWN
[08-2227](#) (~~B~~) Resolution to deny.

- [08-2228](#) 44. **On** Proposed Ninth Amendment to the Metro Center Urban Renewal Plan to identify improvements to the Civic Center of Greater Des Moines as eligible for economic development grant assistance and designate a parcel of property generally located at 201 E. Locust for potential acquisition funded with tax increment revenues. ([Council Communication No. 08-754](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2229](#) (A) **Recommendation** from Plan and Zoning Commission finding the amendment in conformance with the Des Moines 2020 Community Character Plan. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- [08-2230](#) (B) **Urban** Renewal Development Grant Agreement with the Civic Center of Greater Des Moines for costs related to the construction and installation of improvements to the Civic Center, \$500,000. ([Council Communication No. 08-736](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2231](#) 45. **On** conveyance of vacated portion of north/south alley adjoining 1535 29th Street to Denis and Nancy Wolf-Keith, \$100. **Moved by Vlassis to continue the public hearing until January 5, 2009 at 5:00 PM in the Council Chambers. Motion Carried 7-0.**

END HEARINGS AT 7:10 P.M.

EXTRA ITEMS

- [08-2232](#) 1. Resolution approving preliminary terms of agreement with Central Wire and Iron for acquisition of property at 401 SE 4th Street and purchase of property in the Guthrie Avenue Business Park. (Council Communication No. 08-759) Sponsor: Mahaffey **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-2233](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 9:34 PM. Motion Carried 7-0.**

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