

DES MOINES CITY COUNCIL MEETING

August 6, 2007

Special Joint Council Meeting with Polk County Board of Supervisors – 3:00 – 4:00 P.M.

Regular Council Meeting - 4:30 P.M.

JOINT MEETING – 3:00 – 4:00 P.M.

Roll Call.

- I. [Presentation](#) and to receive and file a Draft Executive Summary of the Downtown Des Moines Planning Project ([presentation](#) by project consultants, Erin Olson-Douglas, AIA and Mario Gandelsonas, AIA).

[\(Council Communication No. 07-492\)](#)

Adjourn.

PROCLAMATIONS – 4:00 P.M.

National Night Out
Visiting Japanese Students
Boy Scouts – Troop 8 and South Park Neighborhood Association

INVOCATION: Fr. Michael Amadeo
Holy Trinity Church
2926 Beaver Ave

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

* * * * *

***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.

3. APPROVING CONSENT AGENDA – items 3 through 49:

LICENSES AND PERMITS

4. [Approving](#) Alcoholic Beverage License for the following:

NEW APPLICATIONS

- | | | | |
|-----|--------------------------------|------------------|----------|
| (A) | STROLL INN (THE) | 3325 HUBBELL AVE | C Liquor |
| (B) | TURKEY TIME CONCESSION
Wine | 3000 E GRAND AVE | C Native |

RENEWAL APPLICATIONS

- | | | | |
|-----|--------------------------|---------------------|----------|
| (C) | AIRPORT HOLIDAY INN | 6111 FLEUR DR | B Liquor |
| (D) | AMF DES MOINES LANES | 3839 E 14TH ST | C Liquor |
| (E) | BEECHWOOD LOUNGE | 416 E WALNUT ST | C Liquor |
| (F) | BUDDYS CORRAL | 418 E 5TH ST | C Liquor |
| (G) | CROATIAN FRAT SLAVIC | 6575 INDIANOLA | C Liquor |
| (H) | EL PATIO MEXICAN REST | 611 37TH ST | C Liquor |
| (I) | LOCUST TAP | 434 E LOCUST ST | C Liquor |
| (J) | LOS COMPADRES | 1440 MAURY ST | C Liquor |
| (K) | OAKMOOR RACQUETBALL | 4731 MERLE HAY RD | B Beer |
| (L) | PDS PUB | 3803 SW 9TH STREET | C Liquor |
| (M) | QV'S CAVATELLI | 209 EUCLID AVE | C Liquor |
| (N) | STAR BAR | 2809 INGERSOLL AVE | C Liquor |
| (O) | TNT VIETNAMESE REST | 3452 ML KING J PKWY | B Beer |
| (P) | TOBACCO OUTLET PLUS #510 | 3409 SW 9TH ST | C Beer |

OUTDOOR SERVICE APPLICATIONS

- | | | | |
|-----|---|--------------|----------|
| (Q) | BLAZING SADDLE | 416 E 5TH ST | C Liquor |
| | TEMPORARY OUTDOOR SERVICE AND TEMPORARY CLOSURE OF SIDEWALK WITHIN THE LICENSED PREMISE AREA IN CONJUNCTION WITH HISTORIC EAST VILLAGE BIKE NIGHT ON AUGUST 31, 2007. | | |

SPECIAL EVENTS APPLICATIONS

- | | | | |
|-----|---|---------------------|------------------|
| (R) | BIRD'S NEST | 3000 E GRAND AVE | B Beer |
| | FOURTEEN DAY LICENSE FOR IOWA STATE FAIR FROM AUGUST 8-21, 2007. | | |
| (S) | CHRIST THE KING CATH | 5711 SW 9TH ST | 5 Day
License |
| | CLASS B BEER LICENSE FOR CORN FEST ON AUGUST 18, 2007. PENDING APPROVAL OF THE BUILDING, ELECTRICAL, ZONING AND FIRE DEPARTMENTS. | | |
| (T) | DRAKE UNIV LEGAL CLINIC | 2400 UNIVERSITY AVE | 5 Day
License |
| | CLASS C BEER WINE LICENSE FOR SPECIAL EVENT "TRIAL ACADEMY" ON AUGUST 9, 2007. PENDING APPROVAL OF BUILDING, ELECTRICAL, ZONING AND FIRE DEPARTMENTS. | | |
| (U) | FEDERAL DISTRIBUTORS INC. | 3000 E GRAND AVE | B Beer |

FOURTEEN DAY LICENSE FOR IOWA STATE FAIR IN HERITAGE VILLAGE FROM AUGUST 8-21, 2007.

- (V) **FIREFEST** 25 E COURT AVE 5 Day
License
CLASS B BEER LICENSE FOR FIREFEST ON AUGUST 25, 2007. PENDING APPROVAL OF ELECTRICAL AND FIRE DEPARTMENTS.

5. [City](#) Clerk to issue Cigarette Licenses.
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
- (A) [7th](#) & Grand Parking Garage Beam Repairs – Receiving of bids, (8-28-07), and Setting date of hearing, (9-10-07). (Construction Estimate - \$55,320).
[\(Council Communication No. 07-484\)](#)
- (B) [Union](#) Park Parking Lot – Phase 1 – Receiving of bids, (8-28-07), and Setting date of hearing, (9-10-07). (Construction Estimate - \$196,536).
[\(Council Communication No. 07-485\)](#)
8. Approving the following Iowa Department of Transportation Agreements:
- (A) [E. 14th](#) Street (U.S. 69) from E. University Avenue to Aurora Avenue.
[\(Council Communication No. 07-480\)](#)
- (B) [Safety](#) Improvements at railroad crossing of 16th Street, north of Martin Luther King Jr. Parkway.
[\(Council Communication No. 07-479\)](#)
9. [Iowa](#) Clean Air Attainment Program (ICAAP) Fund Applications to the Iowa Department of Transportation (IDOT) for Merle Hay Road and Urbandale Avenue Intersection Improvements, and SE 14th Street and East Indianola Avenue Intersection Improvements.
[\(Council Communication No. 07-477\)](#)

10. [Authorizing](#) City Manager to submit “Safe Routes to School” (SRTS) Fund Application to the Iowa Department of Transportation (IDOT) to be used to enhance school crossings at signalized intersections.

[\(Council Communication No. 07-478\)](#)

11. [Approving](#) Change Order No. 1 with Van Hauen & Associates, Inc. for additional work on the Vandalia Trunk Sanitary Sewer Emergency Repair, \$57,684.99.

[\(Council Communication No. 07-481\)](#)

12. [Communication](#) from contractors requesting permission to sublet certain items on 2007 HMA Pavement Scarification & Resurfacing, and the Crawford Creek Watershed Improvements – E. Gray Street to S.E. 9th Street public improvement projects.

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

- (A) [Hockmuth](#) Concrete Services, Inc. – Hickman Road Sidewalk from Prospect Road to M.L. King, Jr. Parkway.
- (B) [T K](#) Concrete Inc. – 2006 Sidewalk Replacement Program – Designated Neighborhoods.
- (C) [Castle](#) Concrete Services, Inc. – 2006 Sidewalk Replacement Program – Contract 2.

SPECIAL ASSESSMENTS

14. Approving deletion of NAC-Emergency Assessments Schedule 2007-12 for the following:

- (A) [1117](#) Fremont Street.
- (B) [1231](#) 15th Street.

LAND/PROPERTY TRANSACTIONS

15. [Approve](#) and accept real estate documents for property at 1601 SE 35th Street from Donald W. and Constance L. Beals, and 1615 SE 35th Street from Fay J. and Gina M. Beals for the Des Moines Agrimergent Technology Park Project.

[\(Council Communication No. 07-482\)](#)

16. [Approving](#) issuance of a replacement Quit Claim Deed for vacated alley adjoining 2913 E. 16th Street.
17. [Approving](#) issuance of replacement Quit Claim Deed for vacated alley adjoining 3236 E. University Avenue.
18. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for the Dean's Lake Pump Station Improvements Project.

[\(Council Communication No. 07-483\)](#)

19. [Acceptance](#) of permanent easement for storm sewer right-of-way for an existing storm sewer located on property at SW 4th Street and Payton Avenue, \$1 plus closing costs.
20. [Approving](#) release of covenant for the property owners of 2080 King Avenue.

BOARDS/COMMISSIONS/NEIGHBORHOODS

21. [Recommendation](#) from Mayor Frank Cownie to reappoint Gregory Jones to the Plan and Zoning Commission, Seat 1 for a five-year term commencing July 1, 2007 to expire July 1, 2012.
- 21-I [Recommendation](#) from Council Member Brian Meyer to appoint Nicholas Ryan to the Urban Design Review board, Seat 7 for a three-year term commencing June 30, 2005 to expire June 30, 2008.
- 21-II [Communication](#) from Odell Jenkins advising of his resignation from the Park and Recreation Board, Seat 10, effective immediately.
- (A) [Recommendation](#) from Council Member Bob Mahaffey to appoint George Krumrey to the Park and Recreation Board, Seat 20 for a four-year term commencing June 30, 2005 to expire June 30, 2009.
- 21-III [Communication](#) from Neighborhood Revitalization Board declaring Seat 3 vacant.

- (A) [Recommendation](#) from Council Member Bob Mahaffey to appoint Odell Jenkins to the Neighborhood Revitalization Board, Seat 3 for a three-year term commencing June 30, 2006 to expire June 30, 2009.

21-IV [Recommendation](#) from Council Member Michael Kiernan to appoint Leisha Barcus to the Plan and Zoning Commission, Seat 5 for a five-year term commencing July 1, 2006 to expires July 1, 2011.

SETTING DATE OF HEARINGS

22. Items regarding property in the vicinity of Park Street between 7th Street and vacated 8th Street, Principal Life Insurance Company:

- (A) [Communication](#) from Plan and Zoning Commission regarding request for vacation and conveyance of the air rights, to allow for a private enclosed pedestrian sky bridge between a proposed new parking structure north of Park Street and the existing Corporate 4 Office Building south of Park Street, (limited to a 16'-wide strip at least 23' above grade)
- (B) [Communication](#) from Plan and Zoning Commission regarding request for vacation and conveyance of an irregular shaped strip on the east edge of 8th Place between Center Street and Park Street, subject to provision of easements for existing utilities until they are relocated at the applicant's expense.
- (C) [Setting](#) Date of Hearing on request to rezone property at 707 8th Street from "C-2" (General Retail & Highway Oriented Commercial) to "C-3" (Central Business District Commercial) to allow for construction of an off-street parking structure with a zero building setback from the four adjoining streets, subject to conditions, (8-20-07).

23. Items regarding property at 2112 Woodland Avenue and 600 M.L.King Jr. Parkway:

- (A) [Communication](#) from Plan and Zoning Commission regarding request from Freedom Financial Bank, for vacation and conveyance of that portion of the east/west alley extending east from 22nd Street between Woodland Avenue and High Street, subject to conditions.
- (B) [Setting](#) Date of Hearing on request to rezone property from "R-2A" (General Residential) to "C-1" (Neighborhood Retail), to allow for expansion of the existing retail commercial site for a drive-up financial institution, (8-20-07).

24. [On](#) vacation and conveyance of an Encroachment Easement and Air Rights Easement to allow encroachment of existing building at 3510 University Avenue to James J. Holtkamp, \$100, (8-20-07).
25. [On](#) conveyance of property at the corner of Southwest 6th Street and Cherry Street to Polk County in conjunction with the Martin Luther King Jr. Parkway-East/West Segment Project, \$1, (8-20-07).
26. [On](#) request from Mark Scigliano to rezone property at 1507 Hartford Avenue from “M-1” (Light Industrial) to Limited “M-2” (Heavy Industrial) to allow for a conditional use for storage of inoperable vehicles, subject to conditions, (8-20-07).
27. [On](#) request from Savannah Homes, Inc. to rezone property in the vicinity of 5100 NE 38th Avenue, from “A-1” (Agricultural) to “PUD” (Planned Unit Development) and approve a PUD Conceptual Plan for “Silver Leaf”, to include development of approximately 37 acres of agricultural land for 121 single-family residential lots and 38 bi-attached residential units, (8-20-07).
28. [On](#) request from West Lakes Properties, LC to rezone property in the vicinity of 300 County Line Road from “A-1” (Agricultural) to “PUD” (Planned Unit Development) to allow for development of 128 acres of commercial, multiple-family residential, standard lot single-family residential and small-lot single-family residential development and approval of proposed PUD Conceptual Plan titled “Southern Ridge Concept Plan”, subject to conditions, (8-20-07).
29. [On](#) proposed amendments to the Zoning Ordinance to place limitations on electronic signs and off-premises advertising signs, (8-20-07).

[\(Council Communication No. 07-489\)](#)

30. [On](#) request from ColorAll Technologies, for text amendments to Chapter 134 (Zoning) to permit limited transient automobile scratch and dent repair services within a tent as an accessory use to vehicle display lot, rental car agency and fleet vehicle operations, (8-20-07).

[\(Council Communication No. 07-487\)](#)

31. [On](#) Developer-Initiated Redevelopment Proposal from Houghton Properties to redevelop Disposition Parcel No. 16A (South of Mattern Avenue to E. Jefferson Avenue between Dixon and De Wolf Streets) in the Guthrie Avenue Business Park Urban Renewal Area and Setting Date of Hearing on vacation of E. 18th Street between Mattern and E. Jefferson Avenue and E. Jefferson Avenue between Dixon and DeWolf, (9-24-07).

[\(Council Communication No. 07-465\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

32. [Approving](#) payment of \$140,698.72 to Lonnie Shannon for a workers' compensation claim.
33. [Approving](#) payment of \$18,052.64 to Progressive Insurance, as subrogee of Mark Reno, for an automobile accident.

CITY MANAGER COMMUNICATIONS

34. [Submitting](#) travel requests for Darren Cornwell, Sara Henry, Rex Sparks, Melissa Sweeny, and Marylee Woods.

[\(Council Communication No. 07-491\)](#)

APPROVING

35. [Supportive](#) Housing Program (SHP) Renewal Grant Agreements with the United States Department of Urban Development (HUD) for continuation of the Enhancement Project and the Street Outreach Team.

[\(Council Communication No. 07-467\)](#)

36. [Supportive](#) Housing Program (SHP) Renewal Grant Agreements with the United States Department of Housing and Urban Development (HUD) for continuation of Buchanan Transitional Living Center Program, Lighthouse Host Home Program, and the West Des Moines Transitional Housing Program.

[\(Council Communication No. 07-468\)](#)

37. [Fiscal](#) Year 2003 Continuum Of Care (COC) Closeout Certification Documents.
38. [Application](#) for Financial Assistance to the State of Iowa Department of Economic Development for a Community Economic Betterment Account (CEBA) loan for Healthways and approving preliminary terms of an economic development loan of \$120,000.

[\(Council Communication No. 07-469\)](#)

39. [Petitioning](#) the Iowa Department of Economic Development for an extension of Des Moines Enterprise Community Enterprise Zone (EZ-2).

[\(Council Communication No. 07-476\)](#)

40. [2007](#) Prairie Meadows Community Betterment Grant Application for equipment and training for the Mounted Police Patrol.

[\(Council Communication No. 07-470\)](#)

41. [Procurement](#) of hardware systems from L-3 Communications Government Services, Inc. and Public Technology Inc., \$214,549.37.

[\(Council Communication No. 07-475\)](#)

42. Bids from the following:

- (A) [Truck](#) Country Des Moines for eight (8) replacement single axle trucks to be used by the Public Works Department, \$1,184,000. (Seven bids mailed, eleven received).

[\(Council Communication No. 07-490\)](#)

- (B) [C. Green](#) Contractor for annual contract with two (2) additional one-year renewal options to furnish architectural concrete construction repair service on the Fleur Drive planters and other architectural concrete structures to be used by the Park & Recreation Department, Building Services Division, estimated annual cost \$50,000. (Four bids mailed, two received).

- (C) [Communication](#) Innovators for data and telephone technician labor services per State of Iowa Contract to be used by the Information Technology Department, estimated annual cost \$50,000.

43. [Civil](#) Service Promotional Lists for Utility Locator Coordinator, Sewer Televising Technician, Utility Locator and Senior Police Officer, and Entrance List for Airport Field Worker.

44. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 6 and August 13, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 6 and August 13, 2007; and to draw checks for bi-weekly payroll due August 17, 2007.

ORDINANCES - FINAL CONSIDERATION

45. [Amending](#) Chapter 2 of the Municipal Code regarding the local preference and procurement ordinance.

ORDINANCES - SECOND CONSIDERATION

- 46. [Amending](#) Chapter 74 of the Municipal Code prohibiting smoking in City of Des Moines Park facilities.
- 47. Amending Chapter 26 of the Municipal Code regarding the following:
 - (A) [Building](#) and building regulations.
 - (B) [The](#) Licensing and Appeals Board.
- 48. Amending Chapter 46 of the Municipal Code regarding the following:
 - (A) [Fire](#) Protection and Prevention Code.
 - (B) [Adoption](#) of the International Fire Code and amendments and additions to the International Fire Code.
- 49. [On](#) vacation and abandonment of public road easements for portions of E. Madison Avenue, NE 50th Street and Seneca Avenue, within the property at 4995 NE 39th Avenue.

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

COMMUNICATIONS/REPORTS

- 50. [From](#) Denise Long-Aaron, 1414 Goddard Court, to speak regarding the utility company.
- 51. [From](#) Stephanie Weisenbach, 3850 Merle Hay Road, to speak regarding an invitation to workshops for 1000 Friends of Iowa.
- 52. [From](#) Ed Conlow, 4801 Observatory Road, to speak regarding proposed amendment to the Municipal Code referencing plan and zoning requirements.
- 53. [From](#) Michael Morton, 40 N. Hawthorn Drive, Altoona, to speak regarding a golf cart shuttle services.

***Note:If the City Council completes all items above before 5:00 PM, they will skip the Hearing Items, and continue the agenda starting with the next item following the Hearings. At 5:00 PM, they will return to this point in the agenda to consider the Hearing Items and then continue with all the remaining items on the agenda.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 54 THRU 56)

54. On proposed ordinance for special valuation of Wind Energy Conversion Property.

(Council Communication No. 07-466)

55. On vacation of the SW Water Street right-of-way south of Elm Street.

(A) First consideration of ordinance above.

56. On Woodland Cemetery Ornamental Fence: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as American Fence Co. of Iowa, Inc., (Mark A. Wolodkewitsch, Manager), \$60,577.67.

(Council Communication No. 07-486)

(A) Approving contract and bond and permission to sublet.

****END HEARINGS AT _____ P.M.****

APPROVING

57. Renaming the Waveland Tennis Courts as "McCollum/Waveland Tennis Complex" and accepting a donation of \$2,500 from the Greater Des Moines Tennis Association for the purchase and installation of signage and display cases.

(Council Communication No. 07-474)

- ~~58. Professional Services Agreement with RDG Planning and Design for proposed park/school/library site in southeast Des Moines.~~

59. Setting Date of Hearing on developer-initiated development proposal and development agreement from Nelson Development 15, L.L.C. for redevelopment

of city-owned land at 230 E. Grand Avenue, in the Metro Center Urban Renewal Project, (9-24-07).

[\(Council Communication No. 07-473\)](#)

60. [Draft](#) Beaverdale Master [Plan](#) developed by The Beaverdale Main Street Initiative and to refer to the City Manager and appropriate Boards and Commissions for review and recommendation.
61. [Contract](#) documents for a Community Development Block Grant (CDBG) Rehabilitation Grant Agreement with Sixth Avenue Apartments Investors, L.P. for elimination of lead hazards, and execution of an agreement upon full compliance of all requirements.

[\(Council Communication No. 07-488\)](#)

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.

1. [Setting](#) Date of Hearing on appeal of Historic Preservation Commission decision regarding 1520 Center Street, (8-20-07).

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to file legal action seeking an order from the court to direct abatement of the nuisance structures at the following locations: [MEMO](#)
 - (A) [1533](#) E. Grand, Titleholder: Raul Hernandez.
 - (B) [144](#) E. Sheridan Avenue, Titleholder: Tythe Eric Lenhart.

- (C) [1409](#) 2nd Place, Titleholder: Jane A. Cook.
- (D) [1530](#) 9th Street, Titleholder: Ralph B. Henderson; Contract Holder: David Musser and Clementine Karl Musser; Mortgage Holder: Northwest Federal Savings Bank; Mortgage Holder: Mortgage Electronic Registration Systems, Inc.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003