



*** 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

November 24, 2008 4:30 PM

SPECIAL PRESENTATION – 4:15 pm

Recognition from the National League of Cities

[Friends](#) of Des Moines Parks Donation

INVOCATION: Pastor Gene Kelsey
Wakonda Christian Church
3938 Fleur Drive

[08-2025](#) 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis.**

[08-2026](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis 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.**

[08-2027](#) 3. APPROVING CONSENT AGENDA – items 3 through 34: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- [08-2033](#) 8. [Approving](#) Change Order No. 6 with Sternquist Construction, Inc. for additional work on Scott Avenue Bridge over Leetown Creekway, not to exceed \$77,000. ([Council Communication No. 08-701](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
9. Accepting completed construction and approving final payment for the following:
- [08-2034](#) (A) [2007](#) Box Sewer Rehabilitation Program – Proshot Concrete, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2035](#) (B) [3510](#) SW 5th Street Emergency Storm & Sanitary Sewer Repair – Van Hauen & Associates, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2036](#) (C) [1624](#) Pennsylvania Avenue Storm Sewer Repair – Reilly Construction Company, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2037](#) (D) [McKinley](#) Avenue Widening & Signalization at SE 5th Street – Cedar Valley Corporation. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2038](#) (E) [M. L. King](#) Jr. Parkway Paving SW 16th Street to SW 7th Street – Pete Peterson. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2039](#) (F) [Principal](#) Riverwalk Bridge over Des Moines River-Rehabilitation – Jensen Construction Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [08-2040](#) 10. [Approving](#) release of reserved utility easement on vacated portion of SW 6th Street right-of-way now within Lots 1, 2 and 3 of Riverpoint Plat No. 4. **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [08-2041](#) 11. [Communication](#) from Chair of the Urban Design Review Board requesting Council declare Seat 7 vacant. **Moved by Vlassis to receive, file and declare the seat vacant. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [08-2042](#) 12. [Regarding](#) request from R.M. Madden Construction, Inc. for vacation and conveyance of segment of east/west alley and segment of north/south alley between 24th and 25th Street, north of Rollins Avenue and south of Interstate 235, subject to conditions. **Moved by Vlassis to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [08-2043](#) 13. [Regarding](#) request from St. Anthony's Church of Des Moines for vacation and conveyance of north/south alley between SW 1st Street and Indianola Avenue from Edison to Indianola Avenue, subject to conditions. **Moved by Vlassis to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [08-2044](#) 14. [On](#) conveyance of vacated portion of north/south alley adjoining 1535 29th Street to Denis and Nancy Wolf-Keith, \$100, (12-8-08). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2045](#) 15. [On](#) vacation and conveyance of a dead-end segment of east/west alley adjoining 812 Virginia Avenue between Virginia Avenue and Pleasant View Drive, west of SW 7th Street to Jeff Law, \$50, (12-8-08). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2046](#) 16. [On](#) corrected conveyance of north/south alley between 8th Street and 9th Street from Crocker to Center Street and a portion of 9th Street right-of-way between Crocker and Center Street to Principal Life Insurance Company, (12-8-08). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [08-2047](#) 17. [Approving](#) settlement and release agreement with General Reinsurance Corporation and Genesis Underwriting as reimbursement to the City for Chapter 411 costs incurred. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [08-2048](#) 18. [Submitting](#) training requests for Michele Bischof and Terry DeMarce. ([Council Communication No. 08-711](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

- [08-2049](#) 19. [Supportive](#) Housing Program (SHP) Renewal Grant Agreement with the United States Department of Housing and Urban Development (HUD). ([Council Communication No. 08-696](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2050](#) 20. [Issuance](#) of certificate of completion for Esther Hall, 921 Pleasant Street, (aka Hawthorn Hill) and authorizing payment of economic assistance. ([Council Communication No. 08-698](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2051](#) 21. [Acceptance](#) of Project Safe Neighborhoods Anti-Gang Initiative grant award from the U.S. Department of Justice, \$28,724. ([Council Communication No. 08-709](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2052](#) 22. [Appointment](#) of Park and Recreation Director as City representative to the Pappajohn Sculpture Park Selection Committee. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2053](#) 23. [One-year](#) extension of the contract for the USS Des Moines ship model on public display in the Great Hall of City Hall. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2054](#) 24. [Communication](#) from Downtown Community Alliance on behalf of the Iowa Credit Union League to approve banner design to be displayed on E. Locust Street, Grand Avenue, Western Gateway Park, and 8th Street in January, February and March 2009. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 7-0.**
- [08-2055](#) 25. [Community](#) Partnership Memorandum of Understanding between the City of Des Moines and MCC Iowa LLC dba Mediacom. ([Council Communication No. 08-694](#)) **Moved by Hensley to defer to the December 8, 2008 Council meeting, to allow time for additional conversations with Mediacom regarding Customer Satisfaction and Ingersoll Restoration. Motion Carried 7-0.**
- [08-2056](#) 26. [Amendment](#) No. 1 to Jumpstart Small Business Assistance Program Grant Agreement to increase maximum allocation from \$109,947 to \$219,894; and maximum administration fee from \$2,198 to \$4,397. ([Council Communication No. 08-714](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- [08-2057](#) 27. [Designation](#) of multiple depositories for City funds and the maximum allowable amounts. ([Council Communication No. 08-693](#)) **Moved by Vlassis to approve. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.**
- [08-2058](#) 28. [Civil](#) Service Entrance List for Housing Case Manager and Promotional Lists for Senior User Support Technician, Senior License Clerk and Public Works Section Chief. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

- [08-2059](#) 29. Authorizing Finance Director to draw checks on registers for the weeks of November 24 and December 1, 2008; to draw checks for the bills of the Des Moines Municipal Housing Agency for the week of November 24; and the draw checks for bi-weekly payroll due December 5, 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- [08-2060](#) 30. Amending Chapter 118 of the Municipal Code regarding Stormwater Utility Fee rate increase for residential and non-residential properties. **Moved by Vlassis that this ordinance do now pass, #14,814. Motion Carried 7-0.**

- [08-2061](#) 31. Amending Chapter 118 of the Municipal Code regarding establishment of Personal Property Protection Program and Subsidy Credit for qualifying plumbing work. **Moved by Vlassis that this ordinance do now pass, #14,815. Motion Carried 7-0.**

- [08-2062](#) 32. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes to remove the truck route designation on SE 28th Street from Market to Scott, and to create a four-way stop at the intersection of SE 28th Street and Scott. **Moved by Vlassis that this ordinance do now pass, #14,816. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [08-2063](#) 33. On vacation of E. Granger Avenue right-of-way between Vandalia Road and the Burlington Northern Sante Fe Railroad from SE 35th to SE 36th Street. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- [08-2064](#) 34. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes for Parking Restriction on the north side of Morton Avenue between E. 14th and Idaho Street. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - SECOND CONSIDERATION

- [08-2065](#) 35. **On** vacation of east/west alley between Woodland Avenue and High Street from a point 60 feet east of 14th Street to 15th Street, and 14th Street from Woodland Avenue to High Street to Central Iowa Health Properties Corporation. **Moved by Hensley to receive and file the report from Shive Hattery, and give the second vote for passage with the understanding that the “L” shaped easement be provided for a minimum of two years through January 1, 2011. Motion Carried 7-0.**
- [08-2066](#) (A) Final consideration of ordinance above. **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, [#14,817](#). Motion Carried 7-0.**

ORDINANCES - FIRST CONSIDERATION

- [08-2067](#) 36. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 08-700](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Additional handicapped parking spaces on the north side of Ingersoll Avenue, west of 29th Street.
- (B) Request from Drake Area businesses for removal of parking restrictions near 23rd Street and University Avenue.
- [08-2068](#) (C) Final consideration of ordinance above, (waiver requested by Council Member Kiernan), 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, [#14,818](#). Motion Carried 7-0.**
- [08-2069](#) 37. **Amending** Chapter 90 of the Municipal Code regarding powers and duties of the Public Housing Board regarding purchasing and procurement powers. ([Council Communication No. 08-710](#)) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COUNCIL REQUESTS

- [08-2070](#) 38. **From** Council Members Hensley and Kiernan to discuss creation of a quarterly Developers Roundtable, to receive input from Master Builders of Iowa and other appropriate groups regarding process and any issues they have encountered. **Moved by Kiernan to refer to the City Manager to make a recommendation to Council about who should be involved and the schedule for the first meeting in January. Motion Carried 7-0.**
- [08-2071](#) 38I **Request** from Council Member Brian Meyer to speak regarding the median on Army Post Road between SE 14th and SE 15th. **Moved by Meyer to refer to the City Manager to meet with the Southside developers and Neighborhood Associations for a recommendation on how to proceed in this area. The City Manager will also consider medians City-wide. Council Member Meyer requested that the City put together a map of the Southeast side that can be used to attract new businesses. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [08-2072](#) 39. **From** David Costello, 1105 Orchard Lane, requesting to speak regarding the need for more low cost housing. **Moved by Hensley to receive and file information and forward to the City Manager. Motion Carried 6-1. Absent: Coleman.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 40 THRU 47)

- [08-2073](#) 40. **On** appeal from Robert Latshaw, 1243 E. 13th Street, of the Administrative Hearing Officer's decision regarding his dog. **Moved by Coleman to uphold declaration. Motion Carried 7-0.**
- [08-2074](#) 41. **On** appeal from Shannon Simmons, 1800 Watrous Avenue, of the Administrative Hearing Officer's decision regarding her dog. **Moved by Hensley to reverse the decision of the Hearing Officer and declare the dog vicious. Motion Carried 5-2. Nays: Cownie and Coleman.**
- [08-2075](#) 42. **On** Proposed Fifth (2009) Year Action Plan of 2005-2009 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (continued from 11-10-08). ([Council Communication No. 08-695](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [08-2076](#) (A) **Request** from Deborah Brewer, YWCA of Greater Des Moines, to speak regarding funding recommendation. **Moved by Coleman to receive and file comments. Motion Carried 7-0.**

- [08-2077](#) 43. On vacation and conveyance of east/west alley between Ingersoll Avenue and High Street from 17th Street to a point approximately 175 feet east of 19th Street to 1717 Ingersoll, LLC, PW Waterbury, LC and OPOMODO, LLC, (continued from 11-10-08). ([Council Communication No. 08-702](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman**
- [08-2078](#) (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Absent: Coleman.**
- [08-2079](#) (B) 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, [#14,819](#). Motion Carried 6-1. Absent: Coleman.**
- [08-2080](#) 44. On vacation and conveyance of Birch Lane from Thornton Drive to SW 24th Street and SW 24th Street from Thornton Drive to Watrous Avenue to abutting property owners. ([Council Communication No. 08-703](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-2081](#) (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [08-2082](#) (B) 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, [#14,820](#). Motion Carried 7-0.**
- [08-2083](#) 45. On request from R Way's, Inc. to rezone property at 1930 Indianola Avenue from "C-1" (Neighborhood Retail Commercial) to Ltd. "C-2" (General Retail and Highway Oriented Commercial) to allow reuse of property as a garage for general motor vehicle repair, subject to conditions, (continued from 11-10-08). **Moved by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [08-2084](#) (A) First consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [08-2085](#) 46. 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. **Moved by Coleman to continue to December 22, 2008 at 5:00 PM; refer to the City Manager and Legal to work with the developer on a process to require a garage to be built within a specific time frame. Motion Carried 7-0.**

[08-2086](#) 47. [On](#) M. L. King Jr. Parkway Levee Restoration: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), \$175,246.25. ([Council Communication No. 08-704](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-2087](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

****END HEARINGS AT 7:04 PM****

APPROVING

48. Enterprise Zone Benefit Applications for the following Housing Projects: ([Council Communication No. 08-697](#))

[08-2088](#) (A) [Fort](#) Des Moines Senior Living in the McKinley/SW 9th/Army Post Rd. Enterprise Zone. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-2089](#) (B) [MLK](#) Brickstone, LLC in the Drake Park/Sherman Hill/Woodland Heights Enterprise Zone. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-2090](#) (C) [Melbourne](#) Apartments 1, LLC in the SE 14th Street Enterprise Zone. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-2091](#) (D) [Metro](#) Lofts, LLC in the Des Moines Gateway Enterprise Zone. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-2092](#) (E) [Oakridge](#) Neighborhood Associates, LP in the Drake Park/Sherman Hill/Woodland Heights Enterprise Zone. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-2093](#) (F) [Oakridge](#) Neighborhood Associates Phase II LP in the Drake Park/Sherman Hill/Woodland Heights Enterprise Zone. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-2094](#) (G) [Oak](#) Point, LLLP in the 24th Street Enterprise Zone. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-2095](#) 49. [Revised](#) agreement with Des Moines Regional Transit Authority (DART) providing for

City contributions to DART and uniform regional funding of mass transit operations. ([Council Communication No. 08- 712](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [08-2096](#) 50. **Tax** Increment needs for FY 2009/2010. ([Council Communication No. 08-713](#)) **Moved by Hensley to adopt the recommendations contained in Council Communication No. 08-713 and to direct the City Manager or his designee to notify the County Auditor of the City of Des Moines’ need for \$28,343,181 of tax increment revenue for FY 2009/2010 and if there are subsequent reductions in tax increment valuations, the City Manager or his designee is authorized to decrease the TIF needs requirement as to be in compliance with the Council’s TIF Policy; refer to the City Manager to contact the Downtown Partnership to request that the City be included in their discussions regarding the status and conditions of existing downtown office buildings. Motion Carried 7-0.**

EXTRA ITEMS

- [08-2097](#) 1. **Authorizing** letter to Congressional Delegation requesting assistance with Federal Funding for rebuilding of Central Place and Birdland Levees. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

- [08-2098](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING:

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

- [08-2099](#) (A) [1317](#) Lewis Avenue, (structure), Titleholder: Patrick Avery; Mortgage Holder: Midfirst Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2100](#) (B) [3943](#) Lincoln Place Drive, (structure and garage structure), Titleholder: Sangamon Investment Company; Contract Buyer: Jack A. Stuart. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2101](#) (C) [1900](#) ML King Jr. Pkwy, (garage structure), Titleholder: Deborah K. Smith a/k/a Deborah K. Henry. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2102](#) (D) [1366](#) E. 14th Street, (fire-damaged structure), Titleholder: Derek Haugen; Mortgage Holder: Security State Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [08-2103](#) (E) [7008](#) SW 14th Street, (fire-damaged structure), Titleholder: Kirk Rees; Mortgage Holder: Bank of America, NA. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2104](#) (F) [1612](#) E. 31st Court, (garage structure), Titleholder: LaSalle Bank, NA. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2105](#) (G) [1231](#) E. 36th Court, (fire-damaged structure), Titleholder: S Cooper Investments, Inc.; Mortgage Holder: State Savings Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**

COMMUNICATION:

- [08-2106](#) 2. [Regarding](#) demolition cost reserve being held by Shelter Insurance Companies for the fire-damaged structure located at 1366 E. 14th Street. **Moved by Kiernan to receive and file and to direct that the City Attorney bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**
- [08-2107](#) MOTION TO ADJOURN. **Moved by Kiernan to adjourn at 8:10 PM. Motion Carried 7-0.**



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