

# DES MOINES CITY COUNCIL MEETING

January 10, 2005 4:30 P.M.

**INVOCATION:** Father Peter Cade  
St. George Greek Orthodox Church

1. ROLL CALL:

I. Resolution to support the \$60 million Phase 1 expansion at Prairie Meadows.

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 applications for the following:

### NEW APPLICATIONS

(A)	ANGEL	3161 SE 22ND ST	B Beer
(B)	DOLLAR MART Beer	2300 HICKMAN RD	C
(C)	FIREHOUSE LOUNGE Liquor	1930 SE 6TH ST	C
(D)	PHILLIP 66	1501 2ND AVE	C Beer
(E)	SHOP N SAVE #2 Liquor	1372 E 14TH ST	E

### RENEWAL APPLICATIONS

(F)	CONEY ISLAND #2	3700 SW 9TH ST	B Beer
(G)	DENNY D'S SPORTS BAR Liquor	607 SE 30TH ST	C

(H)	DES MOINES AIR NATL GUARD Liquor	3100 MCKINLEY AV	A
(I)	DIAMOND JACKS Liquor	3000 E GRAND AVE	C
(J)	EL CANCUN NIGHT CLUB Liquor	900 E ARMY POST RD	C
(K)	GIT N GO STORE #18	6501 SE 14TH ST	C Beer
(L)	HIGHLAND PARK POST NO 374 Liquor	3712 2ND AVE	A
(M)	K-BOOM Liquor	319 COURT AVE	C
(N)	KUM & GO #552	4944 DOUGLAS AVE	C Beer
<del>(O)</del>	<del>KWONG TUNG RESTAURANT</del> <del>Beer/Wine</del>	<del>2721 INGERSOLL AVE</del>	<del>C</del>
(P)	LOUIES CHINESE AND THAI FOOD Beer	1022 E 12TH ST	B
(Q)	REGAL LIQUORS #1	3424 M L KING PKWY	C Beer
(R)	ROOKIES Liquor	6151 THORNTON AVE	C
(S)	SAMBETTIS Liquor	1430 2ND AVE	C

#### SPECIAL EVENTS APPLICATIONS

(T)	SENIOM SED Five-Day license for Skywalk Golf Open, February 5, 2005 at the Kaleidoscope at the Hub. Pending approval of Building, Electrical, Fire and Zoning Departments.	555 WALNUT ST	B Beer
(U)	WINSTONS PUB & GRILLE Beer/Wine Five-Day license in conjunction with Dig Downtown on January 14, 2005. Pending approval of Building and Zoning Departments.	800 WALNUT ST	C
(V)	WINSTONS PUB & GRILLE Beer/Wine Five-Day license in conjunction with Dig Downtown on February 18, 2005. Pending approval of Building and Zoning Departments.	800 WALNUT ST	C

5. City Clerk to issue Cigarette Licenses.

6. City Clerk to issue Coin Operated Machine Licenses.

## **PUBLIC IMPROVEMENTS**

7. Resolution Ordering Construction of the following:
  - (A) Principal Park Seating Expansion and Outfield Improvements – Receiving of Bids, (02-01-05), and Setting Date of Hearing, (02-07-05). (Construction Estimate - \$3,623,000).
  - (B) Greenhouses at Chesterfield – Receiving of Bids, (02-01-05), and Setting Date of Hearing, (02-07-05). (Construction Estimate - \$327,900).

[\(Council Communication No. 05-010\)](#)

8. Approving Professional Services Supplemental Agreement No. 1 with Snyder & Associates, Inc. in conjunction with Southeast Ridge Trunk Sanitary Sewer, \$454,000.

[\(Council Communication No. 05-004\)](#)

9. Approving Supplemental Agreement with Shuck-Britson, Inc. for construction phase services for SW 9<sup>th</sup> Street Viaduct over M.L. King Jr. Parkway Rehabilitation, \$65,000.

[\(Council Communication No. 05-005\)](#)

10. Approving Execution of Iowa Department of Transportation Agreement for Fleur Drive Resurfacing from Railroad Viaduct to M.L. King Jr. Parkway, \$500,000.

[\(Council Communication No. 05-003\)](#)

11. Ratifying Airport Boards approval of contract for Runway 13/31 Rehabilitation, with Des Moines Asphalt & Paving Co, \$11,389,281.20 and agreement to enter into FAA AIP Grant for project when offered by the FAA.

12. Approving Change Order No. 1 with Des Moines Asphalt Paving Company for additional work on E. 30<sup>th</sup> Street Resurfacing Project, not to exceed \$22,444.40.

[\(Council Communication No. 05-006\)](#)

13. Approving completion and recommending acceptance of the following Private Construction Contracts between Eco-Tech Construction and Brook Run L.C. for

new development Brook Run Village Plat 11, located at Douglas Avenue and Brook Run Drive:

- (A) Paving Improvements.
- (B) Sanitary Sewer Improvements.
- (C) Storm Sewer Improvements.

14. Approving completion and recommending acceptance of the following Private Construction Contracts between Eco-Tech Construction and Brook Run L.C. for new development Brook Run Village Plat 12, located at Douglas Avenue and Brook Run Drive:

- (A) Paving Improvements.
- (B) Sanitary Sewer Improvements.
- (C) Storm Sewer Improvements.

15. Approving completion and recommending acceptance of the following Private Construction Contracts with Jerry's Homes for new development Hillsboro Phase 1, located at Indianola Road and East Southdale Drive:

- (A) Manatt's Inc. for Street Improvements.
- (B) McAninch Corporation for Sanitary Sewer Improvements.
- (C) McAninch Corporation for Storm Sewer Improvements.

16. Approving completion and recommending acceptance of the following Private Construction Contracts with Jerry's Homes for new development Hillsboro Phase 2, located at Indianola Road and East Southdale Drive:

- (A) Manatt's Inc. for Street Improvements.
- (B) McAninch Corporation for Sanitary Sewer Improvements.
- (C) McAninch Corporation for Storm Sewer Improvements.

17. Approving completion and recommending acceptance of the following Private Construction Contracts with Legacy Group, Ltd.:

- (A) Eco-Tech Contractors, Inc. for Street Improvements for proposed Outlot X Easter Lake Pointe Plats 2 & 3 Subdivision located at Easter Lake Drive and SE 32<sup>nd</sup> Street.
  - (B) McAninch Corporation for Sanitary Sewer Improvements for proposed Easter Lake Pointe Subdivision Plats 2 & 3 located at Easter Lake Drive and SE 32<sup>nd</sup> Street.
  - (C) McAninch Corporation for Storm Sewer Improvements for proposed Easter Lake Pointe Subdivision Plats 2 & 3 located at Easter Lake Drive and SE 32<sup>nd</sup> Street.
  - (D) Eco-Tech Contractors, Inc. for Storm Sewer Extension Improvements for proposed Easter Lake Pointe Subdivision located at SE 32<sup>nd</sup> Street and East Spring.
18. Accepting completed construction and approving final payment for the following:
- (A) Brook Run Park and Riley Park Improvements, Concrete Technologies, Inc.
  - (B) Gay Lea Wilson Trail Phase III-A (Four Mile Creek Greenway Trail), Sheets Excavating, Ltd.
19. Receive, file and authorize execution of petition and waiver forms for sidewalk program/request to repair driveway executed by five property owners and curb replacement program/request to repair driveway executed by three property owners.

## **SPECIAL ASSESSMENTS**

20. Levying Deficiency Assessment for Schedule No. 2005-36.
21. Approving deletion of special assessments at various locations.

## **LAND/PROPERTY TRANSACTIONS**

22. Real estate documents for property at 5800 SW 4<sup>th</sup> Street, closing costs only.
23. Approving items regarding Triton Homes, L.C. for The Village at McKinley, 936 McKinley Avenue:
  - (A) Preliminary Minor Subdivision Plat.
  - (B) Final Plat.

[\(Council Communication No. 05-016\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

24. Approving revised operating rules and regulations for the Park and Recreation Board.
25. Approving appointments to the E911 Service Board for calendar year 2005, William McCarthy - Primary Representative; Craig Zubrod and Leonard Murray - Alternates.
26. Approving new members and alternates to Weed & Seed Steering Committee.
27. Approving appointments to the Metropolitan Planning Organization (MPO).

## **COMMUNICATIONS FROM PLANNING AND ZONING**

28. Regarding request from Wells Fargo Financial, Inc. for vacation and conveyance of the subsurface rights for a 7' 4 1/16" x 12' segment of the east edge of 9<sup>th</sup> Street, north of Walnut Street and south of vacated east/west alley, beneath the sidewalk to allow encroachment of the basement level utility vault for the proposed building.
29. Regarding request from Victor Vacco, for vacation and conveyance of the east/west alley between Olinda and Davis Avenues from SW 1<sup>st</sup> Street to Highland Street, subject to conditions.

## **SETTING DATE OF HEARINGS**

30. On vacation and conveyance of Third Street from University to Laurel Avenue, to Health Initiatives, Iowa Corp, d/b/a Mercy Medical Center – Des Moines, (to correct error in legal description in previous Council action), (1-24-05).
31. On sale of property in the vicinity of 5800 SW 4<sup>th</sup> Street to LAB Investment Company, Inc., \$8,500, (1-24-05).
32. On sale of City property in the vicinity of Indianola Avenue at Granger Avenue, South Union and E. Dunham to Communication Technologies, Inc. \$82,000, (1-24-05).
33. On request from Randal Meiners to rezone property at 900 Williams Street from “R1-60” (One Family Low Density Residential), to “PUD” (Planned Unit Development), and approval of a Conceptual Plan to allow development of 16 ranch townhome units with private drive access, subject to revisions to the Plan, (1-24-05).
34. On assessment for violation of Iowa cigarette laws for the following, (1-24-05):
  - (A) \$300 penalty for Kum & Go, 4140 Park Avenue.
  - (B) \$1,500 penalty or 30-Day suspension of cigarette permit for Some Place Else, 1833 Hubbell Avenue.

## **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

35. Approving payment of \$21,753.25 to Ahlers & Cooney, P.C. in conjunction with Sewer Revenue Bonds.
36. Approving payment of \$95.20 to Ahlers & Cooney, P.C. for assistance in certain environmental matters in conjunction with the Kiwanis Nature Island at Riverview Park.

37. Approving payment of \$1,300 to Nyemaster Law Firm for consultation services in conjunction with collective bargaining and related matters.
38. Approving payment of \$2,874 to Spiegel & McDiarmid for consultation and services to facilitate economic development, community revitalization, homeland security and related projects.

### **CITY MANAGER COMMUNICATIONS**

39. Submitting out-of-state travel for Lynette Collins, John Hagener, Richard Singleton, and Dale Patch.

[\(Council Communication No. 05-001\)](#)

### **APPROVING**

40. Closeout documents for a Fiscal Year 1999 Supportive Housing Program (SHP) Grant.
41. Weatherization Contract with Iowa Department of Human Rights/Division of Community Action Agencies for assistance to low-income persons from January 1, 2005 to December 31, 2005.
42. Execution of Lease Agreement with MediaCom Communications regarding use of city-owned property in vicinity of 2103 Ingersoll Avenue for overflow and employee parking.

[\(Council Communication No. 05-008\)](#)

43. Lease Agreement with Chuck Renes to lease greenhouse space at 1444 East Washington Avenue for storage of plants formerly housed in the Botanical Center.

[\(Council Communication No. 05-009\)](#)

44. Lease Agreement items with the Des Moines Rowing Club:



- (A) Use of “Tan Building” at Grays Lake Park.
- (B) Setting Date of Hearing for use of Guzman Building at Birdland Marina, (1-24-05).

[\(Council Communication No. 05-007\)](#)

- 45. One-Year extension of agreement with Department of Navy for loan of ship model USS Des Moines for display in the Great Hall of City Hall.
- 46. Bids from the following:
  - (A) Truck Country for one 39,000 GVW truck with hydraulic log loader to be used by the Public Works Department, Forestry Division, \$131,079. (Eight bids mailed, four received).
  - (B) Racom for radio communications equipment per State of Iowa Contract CT1199MV-4 to be used by the Fire Department, \$134,679.
- 47. Civil Service Entrance List for Legal Assistant.
- 48. Finance Director to draw checks for check registers of January 13 and January 20, 2005; and to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of January 10 and January 18, 2005; and to draw checks for biweekly payroll due on January 21, 2005.

**ORDINANCES - FINAL CONSIDERATION**

- 49. Amending Chapter 74 of the Municipal Code establishing the 2005 fees for golf courses, Sylvan Theater, swimming pools and Birdland Marina.

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

## **ORDINANCES - FIRST CONSIDERATION**

50. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) Reinstallation of Parking Meters near the New Papajohn Education Center-1200 Block of Grand Avenue.
  - (B) Implementation of Traffic Control Modifications-Sherman Hill Area of Downtown Traffic Study.
  - (C) Implementation of Morning and Evening Rush Hour Restrictions-east side of 3<sup>rd</sup> Street from Watson Powell Jr. Way to Crocker Street and the east side of 9<sup>th</sup> Street from Keosauqua Way to Crocker Street.
  - (D) Corner Clearance-west side of Polk Boulevard, north of Observatory Road.
  - (E) Code Adjustments for Field Signing-Southeast Eighteenth Street and Southeast Nineteenth Street.

## **COMMUNICATIONS/REPORTS**

51. From Highland Park SSMID Board regarding recommended budget and levy for Highland Park Self-Supported Municipal Improvement District for Fiscal Year commencing July 1, 2005.
52. From Jim and Kathleen Pitts, 1221 E. 35<sup>th</sup> Street regarding barking dog problem.

## **HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 53 THRU 61)**

53. On vacation and conveyance of east 432 feet of East/West alley in block between Lyon Street, Des Moines Street, Hubbell Avenue and East 20<sup>th</sup> Street to Leachman Lumber Company, \$1,000.

[\(Council Communication No. 05-011\)](#)

- (A) First consideration of ordinance above.

54. On conveyance of East/West alley between Cherry and Vine Streets to 10<sup>th</sup> Street Lofts, L.L.L.P.

[\(Council Communication No. 05-002\)](#)

55. On various related amendments to the Zoning Ordinance and Site Plan Regulations:

- (A) Closing consolidated hearing on various City-initiated amendments to the Zoning Ordinance and Site Plan Regulations.

[\(Council Communication No. 05-013\)](#)

- (B) First consideration of ordinance amending Chapter 134 - Zoning Ordinance to establish a new “C-3B” (Central Business Mixed Use) district.
- (C) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.
- (D) Approving amendment to the landscape standards in the adopted site plan policies to provide that site plans for development in the “C-3B” and “D-R” Districts be subject to the landscape standards established for the “C-3”, “C-3R” and “C-3A” districts.
- (E) First consideration of ordinance amending the Site Plan Regulations to adopt design guidelines applicable within the new “C-3B” District, and to require Plan and Zoning Commission review of a site plan for vehicle display lots in Industrial districts.
- (F) First consideration of ordinance amending the Zoning Ordinance to revise the “D-R” (Downtown Riverfront) district regulations to provide for consistent treatment of signage and building height.
- (G) First consideration of ordinance amending the Zoning Ordinance to revise Section 134-1276(p) to provide for consistent treatment of signage in the Sign Overlay districts.
- (H) First consideration of ordinance amending the Zoning Ordinance to revise Section 134-987(2)(a) to encourage monument signs within the “C-3A” (Central Business District Support Commercial) district.

56. On items regarding rezoning of the Riverpoint West area located west of SW 9<sup>th</sup> Street and North and East of the levy of the Raccoon River:
- (A) Approving amendment to the Des Moines 2020 Community Character Land Use Plan to amend the future land use classification for the Riverpoint West area from the Traditional Industrial, High Density Residential/Limited Commercial and Park/Open Space classification to the Support Commercial classification.
  - (B) Closing the hearing on the City-initiated proposal to rezone the Riverpoint West area from “M-1” (Light Industrial), “M-2” (Heavy Industrial) and “U-1” (Floodplain) districts to the “C-3B” (Central Business Mixed Use) district, and to impose the “S-0” (Study Overlay) district regulation on the land in the vicinity of 122 and 200 SW 16<sup>th</sup> Street.
- [\(Council Communication No. 05-014\)](#)
- (C) First consideration of ordinance rezoning the Riverpoint West area to “C-3B”
  - (D) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.
  - (E) First consideration of ordinance imposing the “S-O” (Study Overlay) district regulation on the land in the vicinity of 122 and 200 SW 16<sup>th</sup> Street.
  - (F) Final consideration of ordinance above (waiver requested by Community Development Director) requires 6 votes.
57. On Voluntary Annexation of 248 acres in Warren County, owned by the Spence Family Limited Partnership, south of the North River and immediately east of US Highway 65/69 **and to continue to February 28, 2005 at 5:30 P.M., to allow Warren County an opportunity to consider the City’s request to amend the Warren County Comprehensive Plan.**
58. On Proposed Amendment to Skywalk Corridor Display Cases Lease Agreement.
59. On Underground Electric Line Easement to Mid American Energy for Blank Park Zoo Events Center.
60. On request for Easement for Encroachment on City owned right-of-way at 4311 SW 9<sup>th</sup> Street to Kacek Enterprises, LLC.

61. On approval of the Assignment of Food and Beverage Concession Agreement from GladCo Enterprises, Inc., to Compass Group USA, Inc. d/b/a Select Service Partner; and the Second Amendment to the Food and Beverage Concession Agreement with Compass Group USA, Inc.

[\(Council Communication No. 05-012\)](#)

## **APPROVING**

62. Regarding regulation of New Heavy Industrial Uses.

[\(Council Communication No. 05-015\)](#)

- (A) Extension of Moratorium of New Heavy Industrial Uses.

## **BOARD OF HEALTH**

### **MOTION TO CONVENE.**

### **AUTHORIZING**

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:
  - (A) 2703 Indianapolis Avenue, Titleholder: A & Q. Investments, LC; Mortgage Holder: Valley Bank.
  - (B) 1426 Wayne Street, Titleholder: April Adams a/k/a April Harris.
  - (C) 3813 13<sup>th</sup> Street, Titleholder: Jack Miller; Mortgage Holders: Wells Fargo Bank Iowa, National Association and Saxon Mortgage Corporation.
  - (D) 1219 E. 37<sup>th</sup> Street, Titleholder: Danlee Investment Group. LLC.
  - (E) 1633 48<sup>th</sup> Street (garage), Titleholder: Kent T. Gephart; Mortgage Holder: Countrywide Funding Corporation.

2. The Engineering Department to cause the removal of the following structures:
  - (A) 5919 Rutland Drive (garage), Titleholder: Thomas S. Billmeyer.
  - (B) 1208 E. Washington Avenue, Titleholder: Bryce Peters, III d/b/a Bryce Peters Financial Corporation.

#### COMMUNICATION

3. Regarding a demolition cost reserve being held by Allied Insurance for the fire-damaged structure located at 1517 E. Court Avenue.
4. Regarding a demolition cost reserve being held by EMC Insurance Companies for the fire-damaged structure located at 1654 Dean Avenue.
5. Regarding a demolition cost reserve being held by Allied Insurance for the fire-damaged structure located at 1019 West Street.

MOTION TO ADJOURN AT \_\_\_\_\_ P.M.

All-America City  
1949 1976 1981 2003