

DES MOINES CITY COUNCIL MEETING

February 28, 2005 4:30 P.M.

INVOCATION: Pastor Daniel Witkowski
St Johns Lutheran Church

1. ROLL CALL:

I. 4:30 P.M. - Presentation by the Greater Des Moines Convention and Visitors Bureau

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

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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.

3. APPROVING CONSENT AGENDA – items 3 through 58:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A)	63RD ST TEXACO	111 63RD ST	C Beer
(B)	CENTERPLATE	1 LINE DR	C Liquor
(C)	J BENJAMINS	5800 FRANKLIN AVE	C Liquor
(D)	LOG CHAIN HONEY Wine	2002 WOODLAND AVE	B Native
(E)	VALLEY BAIT	2248 GEORGE FLAGG PKWY	C Beer

RENEWAL APPLICATIONS

(F)	B & B	2712 BEAVER AVE	C Liquor
(G)	DAHLS FOODS	3425 INGERSOLL AV	E Liquor
(H)	GIT N GO STORE #10	816 E EUCLID AVE	C Beer
(I)	HAWKEYE PANTRY	501 LOCUST ST	E Liquor
(J)	HY VEE FOOD STORE #1	3330 M L KING JR PKWY	C Beer
(K)	HY VEE FOOD STORE #3	3221 SE 14TH ST	E Liquor

(L)	HY VEE WINE & SPIRITS	2310 HUBBELL AVE	E Liquor
(M)	LA HACIENDA RESTAURANT	111 ARMY POST RD	C Liquor
(N)	LINNS SUPER MARKET	3805 6TH AVE	C Beer
(O)	MARGARET'S	3020 FOREST AVENUE	C Liquor
(P)	QUIKTRIP #501	2221 E EUCLID AVE	C Beer
(Q)	QUIKTRIP #544	3941 SE 14TH ST	C Beer
(R)	RACCOON RIVER BREWING CO	200 10TH ST	C Liquor
(S)	RICCELLIS SUPPER CLUB	3803 INDIANOLA AVE	C Liquor
(T)	SCORNOVACCAS PIZZA	3900 E 14TH ST	B Beer
(U)	SOUTHRIDGE AMOCO	6300 SE 14TH ST	C Beer
(V)	THAI FLAVORS	1254 E 14TH ST	C Beer/Wine
(W)	WINSTONS PUB AND GRILLE	601 LOCUST ST	C Liquor

TRANSFER TO NEW LOCATION

(X)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
	Temporary transfer of license to Walnut Center from March 12, 2005 to March 13, 2005 for the Special Olympics.		

OUTDOOR SERVICE APPLICATIONS

(Y)	AK OCONNORS	4050 URBANDALE AVE	C Liquor
	Temporary Outdoor Service in conjunction with St. Patricks Day celebration on March 16 and 17, 2005. 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. Resolution Ordering Construction of the following:
 - (A) 2005 Sanitary Sewer Lining Program – Contract 1 – Receiving of Bids, (3-22-05), and Setting Date of Hearing, (3-28-05). (Construction Estimate - \$1,900,000).
 - (B) 5th & Walnut Parking Garage Repairs – Receiving of Bids, (3-22-05), and Setting Date of Hearing, (3-28-05). (Construction Estimate - \$726,950).

8. Approving Change Order No. 11 with Jensen Construction Co. and United Contractors, Inc. for additional work on M.L. King Jr. Parkway and Fleur Drive Intersection/ Bridges not to exceed \$19,275.

[\(Council Communication No. 05-081\)](#)

9. Approving Federal Aviation Administration AIP Grant Agreement for Airport Runway 13-31 Rehabilitation, Phase 2.

[\(Council Communication No. 05-080\)](#)

10. Approving completed construction and final payment for 2004 HMA Pavement Milling & Resurfacing, Des Moines Asphalt & Paving Co.
11. Approving completion and recommending acceptance of Storm Drain Improvements for 300 E. Locust between CPMI Construction, LC and 300 East Locust, LP.

SPECIAL ASSESSMENTS

12. Approving levying assessments for cost of Nuisance Abatement – NAC Emergency Orders (Community Development) for the following:
 - (A) Schedule No. 2005-02.
 - (B) Schedule No. 2005-50.
13. Approving deletion of NAC-Emergency Assessments at various locations.
14. Approving deletion of NAC-Emergency Assessment at 2635 Capitol Avenue.
15. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for February 2005.

LAND/PROPERTY TRANSACTIONS

16. Real estate documents for property for the SW 9th Street and County Line Road Intersection Project.

17. Authorization to proceed with early acquisition of property by voluntary purchase at 3321 SW 46th Street for future Southwest Connector Project.
18. Approving release of Irrevocable Letter of Credit No. 2003-02-02 in amount of \$38,338 as security for Brook Run Village Plat 6 for satisfactory completion of required improvements.
19. Approving Tax Abatement applications for additional value added by improvements made during 2004. (474 applications)

[\(Council Communication No. 05-085\)](#)

20. Approving late filed Tax Abatement applications filed in 2004 for tax abatement for improvements made to property in 2000 or 2001.

[\(Council Communication No. 05-087\)](#)

21. Denial of four commercial Tax Abatement applications for 2004 for improvements to 4280 E. 14th Street, 3700 Merle Hay Road, 822 Virginia, and 3009 SW 9th - not located in eligible area.

[\(Council Communication No. 05-086\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

22. Communication from Civil Service Commission declaring Seat 3 vacant effective immediately.
23. Communication from Citizen Odor Board declaring Seats 11 and 21 vacant effective immediately.
24. Recommendation of Council Member Tom Vlassis to appoint Robert Modersohn III to Seat 7 on the Park and Recreation Board for a four-year term commencing June 30, 2002 to expire June 30, 2006.
- 24I. Recommendations from Council Member Tom Vlassis to reappoint the following:
 - (A) Edgar Hansell to the Airport Board of Trustees, Seat 4 for a four-year term commencing June 30, 2005 to expire June 30, 2009.
 - (B) Peggy Dandy to the Human Rights Commission, Seat 4 for a three-year term commencing April 4, 2005 to expire April 4, 2008.

- (C) Emily Lawson to the Urban Design Review Board, Seat 8 for a three-year term commencing June 30, 2004 to expire June 30, 2007.
25. Communication from Margaret Ballard advising of her resignation from the Citizen Odor Board (Seat 6) effective immediately.
26. Communication from John Walker advising of his resignation from the Sister Cities Commission (Seat 12) effective immediately.
27. Communication from John Rector advising of his resignation from the Park and Recreation Board (Seat 13) effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

28. Regarding preliminary subdivision plat for **Woodside Estates West Plat 3**, vicinity of 301st Block of NW 54th Avenue (within two-mile jurisdiction of Des Moines).

SETTING DATE OF HEARINGS

29. On sale of vacated north/south alley right-of-way, south of Scott Avenue and between SE 27th Court and SE 28th Street, to Charles W. and Dorothy A. Spotts, \$50, and to Michael E. Scott Sr. and Lorraine D. Scott, \$50,00, (3-7-05).
30. On sale of City-owned property at 1703-13th Street, to Jack and Julie Brooks, \$5,660, (3-7-05).
31. On sale of City-owned property east of 3048 Raccoon Street, to R.M. Madden, \$5,120, (3-7-05).
32. On vacation and sale of the north/south alley between 41st and 42nd Streets, from Rollins Avenue to 250' north, to The Shops at Roosevelt, LLC, \$14,000, (3-7-05).
33. On vacation and sale of a portion of E. 7th Street between Lyon Street and I-235 to Community Choice Credit Union, \$4,000, (3-7-05), to correct publication error.

34. On request from Lower Beaver Conoco to rezone property at 4540 Lower Beaver Road from “R-4” (Multiple Family Residential) to Limited “C-2” (General Retail and Highway Oriented Commercial) to allow conversion of use to a garage for general motor vehicle repair after discontinuing gasoline sales with accessory motor vehicle repair as a non-conforming use, (3-28-05).
35. On request from The Pawn Store Inc. to rezone 3025 Douglas Avenue from a Limited “C-2” (General Retail and Highway Oriented Commercial) to Limited “C-1” (Neighborhood Retail Commercial) to allow assemblage along with 3005 Douglas for expansion of existing commercial structure, subject to conditions, (3-7-05).

36. On proposed Connection Fee Ordinance for Clover Hill Area Trunk Sewer System Benefited District, (4-11-05).

[\(Council Communication No. 05-079\)](#)

37. On the 2004 HUD Consolidated Annual Performance and Evaluation Report, (CAPER), (3-28-05).

38. On Application for Certificate of Public Convenience and Necessity to operate a Limousine Service, requested by David and Heather Grabill, Freedom Taxicab/Cabmobile.com, Ankeny, IA, (3-7-05).

39. On extension of the Lease Agreement with the United States of America (Iowa Air National Guard) located on property at the Des Moines International Airport to approve Supplemental Agreement No. 9 from 2040 to 2060, (3-7-05).

[\(Council Communication No. 05-084\)](#)

40. On Lease Agreement with the South Des Moines Girls Amateur Softball Association, for lease of Carney Softball Fields at 2501 SW 30th Street, to correct publication error, (3-7-05).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

41. Approving payment of \$1,336.50 to Sullivan & Ward, P.C. for assistance in matters pertaining to the National Pollution Discharge Elimination System Permit (NPDES).

42. Approving payment of \$3,084.76 to Ken and Sue Hinds and \$5,000 to Allied Insurance Company as Subrogee of Ken Hinds as a result of a sewer backup.

CITY MANAGER COMMUNICATIONS

43. Submitting traffic regulation changes as follows:
 - (A) Truck Route Revisions.
 - (B) Removal of Parking Meters and Installation of Loading Zone-West Side of 6th Avenue, north of Crocker Street.
 - (C) Installation of Handicapped Parking Meters Adjacent to Pappajohn Higher Education Center.
 - (D) Installation of Handicapped Parking Meters Adjacent to the Insurance Exchange Building at 5th Avenue and Grand Avenue.
 - (E) Four-Way Stop-East 13th Street and Grandview Avenue.
 - (F) Allow Parking in the Evening and Weekends on the North Side of Locust Street between 9th Street and 10th Street.
 - (G) Request for Stop Signs and Corner Clearance Parking Restrictions in area around Drake Stadium.

[\(Council Communication No. 05-082\)](#)

44. Submitting out-of-state travel for Jeff Cronin, Thomas Heller, Colin Boone, Janell Hampton, Charles Hugan, Michael Matthes, Debora Hobbs, Robert Crouse and Steven Schinkel.

[\(Council Communication No. 05-069\)](#)

APPROVING

45. Municipal Housing Agency's Certificate of Consistency with City's 2005-2009 Consolidated Plan.

[\(Council Communication No. 05-073\)](#)

46. Standardized forms for approval of authorized City employees to conduct business with banks and brokers.

[\(Council Communication No. 05-077\)](#)

47. Agreement for use of Lincoln Heights Lutheran Church, 1217 Watrous Avenue, for a recycling study.

[\(Council Communication No. 05-074\)](#)

48. Execution of amended and substituted License Agreement with Qwest Corporation for telecommunications cabinet located on firestation property at 1727 East Walnut Street.

[\(Council Communication No. 05-094\)](#)

49. Communication from Downtown Community Alliance submitting banner design on behalf of Meredith Corporation for seven banners to be displayed in downtown on Locust Street during Spring 2005.

50. Bids from the following:

- (A) Swimming Pool Supply, Pool Tech Midwest and ACCO Unlimited Corporation for an annual contract with two additional one-year renewal options to furnish pool chemicals to be used by the Park & Recreation Department. (Ten bids mailed, four received)
- (B) Emergency Vehicle Sales & Service for two new ambulances to be used by the Fire Department, \$255,710 and Ambu-Care EMS for sale of two trade-in units at \$19,400 less an 8% fee for on-line auctioning services. (Eight bids mailed, two received).

[\(Council Communication No. 05-070\)](#)

- (C) Tri-anim Health Services and Bound Tree Medical for an annual contract with two additional one-year renewal options to furnish medical and

pharmaceutical supplies to be used by the Fire Department. (Sixteen bids mailed, Seven received).

51. Receipt of the Legislative Update for the 81st Iowa General Assembly.
52. Civil Service Entrance lists for Housing Services Case Manager, Certified Police Officer, Word Processor Operator and Promotional lists for Fire Medic, Senior Police Officer and Solid Waste Section Chief.
53. Authorizing the Finance Director to draw checks on the register of March 3, 2005; for the bills of the Des Moines Municipal Housing Agency for the week of February 28, 2005 and for biweekly payroll due March 4, 2005.

ORDINANCES - FINAL CONSIDERATION

54. Amending Chapter 70 of the Municipal Code, regarding sale of products containing pseudoephedrine in combination with other active ingredients.

ORDINANCES - SECOND CONSIDERATION

55. Amending Chapter 18 of the Municipal Code regarding the total number of cats and dogs allowed per property.
56. Amending Chapter 26 of the Municipal Code regarding maintenance, repair, equipment, use and occupancy of all residential rental buildings and structures, by providing an exception for single-family dwellings and duplexes occupied by the owner or members of that owner's immediate family.
57. On amendments to Zoning Ordinance and Site Plan Regulations:
 - (A) To establish new "C-3B" Central Business Mixed Use District.
 - (B) To establish design guidelines for review of site plans for development within new "C-3B" District, and requiring Plan and Zoning Commission approval of site plans for vehicle display lots in all districts.
 - (C) To provide consistent treatment of signage and allowed building height in "D-R" Downtown Riverfront District.

- (D) To rezone Riverpoint West area to “C-3B” District.
 - (E) To rezone property in vicinity of 122 and 200 SW 16th Street to impose additional regulations under “S-O” District.
58. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) Parking Meter Changes in Response to East Village Development.
 - (B) Parking Restrictions to Facilitate Movement of Solid Waste Vehicles – Drake University Area.
 - (C) Removal of Metered Spaces and Replacement with Loading Zones in accordance with an Agreement with Massman Group L.L.C. and 10th Street Lofts, L.L.L.P.
 - (D) Corner Clearance – North Side of East Walnut Street, east of E. 18th Street.
 - (E) Corner Clearance – East and West Sides of Polk Boulevard, north and south of Harwood Drive.
 - (F) Petition for Four-Way Stop – East 40th Court and Hull Avenue.
 - (G) Implement Traffic Regulations for Martin Luther King, Jr. Parkway from Fleur Drive to I-235 and for West Martin Luther King, Jr. Parkway from SW 2nd to Fleur Drive.

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

ORDINANCES - FIRST CONSIDERATION

59. Amending Chapter 18 of the Municipal Code regarding requirements for vicious/dangerous dogs.

[\(Council Communication No. 05-093\)](#)

- ~~60. Amending Chapter 18 of the Municipal Code regarding enclosures for pet animals.~~

61. Amending Chapter 18 of the Municipal Code regarding waiver process to allow a fourth dog in a household.

[\(Council Communication No. 05-078\)](#)

COMMUNICATIONS/REPORTS

62. Submitting the 2004 City of Des Moines Performance Report.

[\(Council Communication No. 05-089\)](#)

63. Receipt of 2004 Polk County Assessor Annual Report.

HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 64 THRU 79)

64. On amendment to the Annual Budget for current fiscal year ending June 30, 2005.

(A) On proposed Annual Budget for fiscal year ending June 30, 2006.

65. On vacation of an 8' wide southernmost east/west alley right-of-way running 68.5' east of vacated 11th Street between Cherry and Vine.

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above, (waiver requested by developer), requires 6 votes.

66. On sale of City property located at 5818 and 5820 Winona Avenue, to RM. Madden Construction -- \$21,400 and to Steve and Judy Rodish -- \$400.

67. 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 65/60 **and to continue to March 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.**

68. City Plan Commission recommendation regarding the 15th Amendment to the City-Wide Urban Revitalization Plan, expanding the Airport Commerce Park sub-area to include an additional 40 acres extending south to County Line Road west of Fleur Drive.
- (A) Hearing on the 15th Amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization area known as the Airport Crossing development.

[\(Council Communication No. 05-076\)](#)

69. City Plan Commission recommendation regarding proposed 2005-1 Omnibus Amendment to the City's Urban Revitalization Plans, extending the duration of all the plans for three years, and removing the vacant lots at 101 and 107 3rd Street from the list of significant structures in the Design Guidelines for the Court Avenue Historic Area.
- (A) Hearing on the 2005-1 Omnibus Amendment.

70. On Supplement No. B2 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC, not to exceed \$475,000, for acquiring a runway paint striper and a street sweeper for the Airport.

[\(Council Communication No. 05-072\)](#)

- (A) Authorization for additional actions.
- (B) Authorizing execution and delivery.

71. On Issuance of not to exceed \$32,000,000 General Obligation Refunding Bonds, (for an essential corporate purpose), to refund and refinance GO Bonds Series 1996F and 1998D.

[\(Council Communication No. 05-071\)](#)

- (A) Authorization for additional actions.

72. On amendment to the approved PUD Conceptual Plan for the Science Center of Iowa building and garage, north of Martin Luther King Jr. Parkway, between SW 3rd and SW 5th Streets, to allow for additional signage.

- (A) Approving signage plans.

[\(Council Communication No. 05-075\)](#)

- (B) Communication from Science Center of Iowa regarding vacation of current facility located in Greenwood Park and Ashworth Park.

73. NUMBER NOT USED.

74. On proposed Resolution of Necessity for sidewalk improvements on McKinley Avenue, from Fleur Drive to 920' east.

- (A) Authorization for acquisition of necessary right-of-way and easements.

75. On SW 9th Street Culvert Repair at Luster Lane: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as The Underground Company, Ltd, (Duane Burkhardt, President, DSM), \$89,855.

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

76. On 30th Street and Forest Avenue Storm Sewer Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Rognes Corp., (Warren Rognes, President), \$1,078,141.25.

- (A) Approving contract and bond.

77. On Riverpoint West Detention Basin: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder.

- (A) Approving contract and bond.

78. On 2005 Traffic Signal Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Iowa Signal, Inc., (Wayne Lesley, President), \$42,456.53.

- (A) Approving contract and bond.

79. On Principal Park Seating Expansion and Outfield Improvements: Resolution approving plans, specifications, form of contract documents and Engineer's Estimate.

END HEARINGS AT _____P.M.

APPROVING

80. Recommendation of City Council Employee Evaluation Sub-Committee regarding the following:
- (A) City Manager.
 - (B) City Attorney.
 - (C) City Clerk.
 - (D) Human Rights Director.

81. Intergovernmental 28E Agreement with the Meredith Corporation Foundation to make improvements to the American Discovery Trail Riverpoint segment and Fleur Trail connection.

[\(Council Communication No. 05-090\)](#)

82. Items regarding East Village Square Apartments, southwest corner of E. 4th and Grand:
- (A) Conceptual Development Plan.
 - (B) Receipt of communications from Urban Design Review Board.
 - (C) Home Program Loan and Documents.

[\(Council Communication No. 05-083\)](#)

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) 2100 Capitol Avenue (garage), Titleholder: Paul W. Jay and Bernice S. Jay.
 - (B) 1710 De Wolf Street, Titleholder: La Mar D. Booker.
 - (C) 3116 Scott Avenue, Titleholder: Eulalia Negrete.
 - (D) 812 Washington Avenue, Titleholder: Countrywide Home Loans, Inc.
 - (E) 1306 5th Avenue, Titleholder: F. C. Storms & Co.
 - (F) 1327 14th Street, Titleholders: Inie Clement and Augustine Akpan; Contract Buyers: Kevin Scott and Lennetta Scott; Mortgage Holder: West Des Moines State Bank.
 - (G) 1131 28th Street, Titleholder: Michael Schumacher d/b/a SSW, LLC; Contract Buyers: Pat Andrews d/b/a Big Horn Properties; Mortgage Holder: Commercial Federal Bank, F.S.B.
 - (H) 2241 E. 34th Street, Titleholders: Jon N. Farrington and Katherine A. Farrington; Contract Buyers: Robert Siers and Jody Siers.

2. The Engineering Department to cause the removal of the following structures:
 - (A) 2051 Maple Street, Titleholders: Chuck Parcel and Dorothy Parcel.
 - (B) 519 Pioneer Road, Titleholder: Basim Bakri a/k/a Basim Al Bakri.
 - (C) 1543 9th Street, Titleholder: 2221 Carpenter Avenue, LLC; Contract Buyer: Cash Consultants, LC.

3. The release of the demolition cost reserved held by GAB Robins North America, Inc. under claim number 56018-46858 regarding the property located at 3206 Raccoon Street insured by Larry Haus.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003