

DES MOINES CITY COUNCIL MEETING

October 20, 2003 4:30 P.M.

PROCLAMATIONS - 4:15 P.M.:

- (a) Des Moines Jazz History Day
- (b) Recognition by Iowa Juneteenth Celebration

INVOCATION: Imam Ako Abdul-Samad, Islamic Center of Des Moines

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 40:

LICENSES AND PERMITS:

Approving

4. The following Beer/Liquor Applications:

NEW APPLICATIONS

- (1) Family Pantry, 4538 Lower Beaver Rd., E Liquor.
- (2) Family Pantry, 4538 Lower Beaver Rd., C Beer.
- (3) Family Pantry, 4538 Lower Beaver Rd., B Wine.

RENEWAL APPLICATIONS

- (4) Blazing Saddle, 416 E 5th Street, C Liquor.
- (5) Blues on Grand, 1501 Grand Avenue, C Liquor.

- (6) Casa Vallarta Restaurant, 2327 Euclid Avenue, C Liquor.
- (7) Dallys Pub and Emporium, 430 E Locust Street, C Liquor.
- (8) Git N Go Store #6, 5736 Franklin Avenue, C Beer.
- (9) Petropointe on Second, 1501 2nd Avenue, C Beer.
- (10) Taste of Thailand, 215 E Walnut Street, C Beer/Wine.

5. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

6. Communication from Cedar Valley Corporation requesting permission to sublet on the Douglas Avenue Widening at Beaver Avenue public improvement project.

SPECIAL ASSESSMENTS

7. Deletion of NAC-Emergency Orders Assessment Schedule 2003-56, Certificate 00-10489-00 for \$170 for property at 4125 - 47th Street.

LAND/PROPERTY TRANSACTIONS

8. Authorizing payment of Condemnation Award for acquisition of property for the Agrimergent Technology Park Storm Water Pump Station Project, \$1,150 plus sheriff's fees and jury expenses.

9. Authorization to proceed with right-of-way acquisition of property for the Deans Lake Outlet Storm Sewer Project-Phase 1, \$25,000 estimated cost.

10. Authorization to enter into a purchase agreement for acquisition of property at 100 E. 2nd Street and 101-131 E. 2nd Street, from C&C Realty Ltd., and Charles A. Colosimo and Carolyn M. Colosimo, \$1,630,000.

10I. Approve and accept real estate documents for property for the Upper Union Park Sewer Project, \$8,650 plus closing costs.

BOARDS/COMMISSIONS/NEIGHBORHOODS

11. Recommendation of Mayor Preston Daniels, to appoint Theodore J. Boesen, Jr. to Seat #3 on the Metropolitan Transit Authority (MTA) for a six year term commencing May 29, 2001 to expire May 29, 2007.

12. Recommendations from Council Member Archie Brooks as follows:

(A) Appointment of William LaHay to the Urban Design Review Board (Seat #11) to fill unexpired term of Kathleen Little to expire June 30, 2004.

(B) Reappointment of Rebecca Morelock to City Plan Commission (Seat #25) for a five year term commencing July 1, 2003 to expire July 1, 2008.

(C) Reappointment of John Rector to the Park and Recreation Board (Seat #13) for a four year term commencing June 30, 2003 to expire June 30, 2007.

(D) Reappointment of John Edge to the Licensing and Appeals Board (Seat #14) for a three year term commencing April 1, 2002 to expire April 1, 2005.

(E) Reappointment of Charles Meier to the Licensing and Appeals Board (Seat #7) for a three year term commencing April 1, 2003 to expire April 1, 2006.

13. Communication from Alan Wolf advising of his resignation from the Licensing and Appeals Board (Seat #5) effective October 7, 2003.

STREET CLOSURES

14. Approving recommendation of Street Use Team to close the following streets:

(1) Pam Kulik, representing Downtown Community Alliance, requesting permission to close 4th Street from Walnut Street to Court Avenue on Friday, November 28, 2003 from 3:30 PM to 9 PM for Miracle on 4th.

CITY PLAN COMMISSION RECOMMENDATIONS

15. Regarding request from Aviation Director to vacate the following streets for incorporation into the Des Moines International Airport:

(1) SW 28th Street from Littell Avenue to Relocated Army Post Road.

(2) SW 28th Court from Vacated Army Post Road to Littell Avenue.

(3) SW 30th Street from Vacated Army Post Road to Littell Avenue.

(4) Littell Avenue from SW 28th Street to SW 30th Street.

SETTING DATE OF HEARINGS

16. On proposed new "D-R" (Downtown Riverfront) zoning district and rezoning of property, (11-3-03).

[\(Council Communication No. 03-516\)](#)

(A) Communication from William Lillis, Connolly Law Firm, and Meredith Corporation representatives, requesting to speak regarding gaming and zoning issues along the proposed Riverwalk.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

17. Approving payment of \$20,202.03 to Ahlers & Cooney for consultation and legal services regarding revision of the Wastewater Reclamation Authority Agreement.

18. Approving payment of \$7,338.84 to Ahlers & Cooney for bond counsel services related to Series 2003E General Obligation Refunding Bonds.

19. Approving payment of \$225 to Ahlers Law Firm for environmental law counsel services in conjunction with acquisition and litigation services regarding environmentally contaminated properties for the Martin Luther King, Jr. Parkway Project (DICO).

20. Approving payment of \$55 to Ahlers Law Firm for assistance in resolution of certain environmental matters in conjunction with development of Kiwanis Nature Island at Riverview Park.

21. Approving payment of \$481.74 to Spiegel & McDiarmid Law Firm for services in conjunction with the Brownfields Showcase Community, federal funding, Riverpoint West Redevelopment and related matters.

22. Approving payment of \$1,270.24 to William Jenkins and law firm of Myers & Jenkins for representation of the City in the UAL Corporation bankruptcy.

23. Approving payment of \$5,810.06 to Duncan, Green, Brown, Langeness & Eckley for representation of City in matters relating to airport parking garages.

24. Approving payment of \$394.96 to Nyemaster Law Firm for airport title opinion work.

CITY MANAGER COMMUNICATIONS

25. Submitting various traffic regulation changes as follows:

- (A) Two-way stop - East 17th Street at Garfield Avenue.
- (B) Corner Clearance - south side of Wilmers Avenue, east of SE 3rd Street.
- (C) Corner Clearance - south side of Rollins Avenue, east of 40th Place.
- (D) Corner Clearance - north side of Capitol Avenue, east of East 21st Street.

[\(Council Communication No. 03-514\)](#)

26. Submitting out-of-state travel for Tim Nading, Dennis O'Donnell, Larry Hare, and Jacqueline Nickolaus.

[\(Council Communication No. 03-509\)](#)

APPROVING

27. Acceptance of 2003 Local Law Enforcement Grant Award, \$167,303.

[\(Council Communication No. 03-511\)](#)

28. Items regarding Highland Park SSMID:

- (A) Agreement with the Highland Park Foundation, regarding operation.

[\(Council Communication No. 03-512\)](#)

(B) Second consideration of ordinance above.

(C) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.

29. Communications from Downtown Community Alliance requesting permission to display banners on behalf of the following:

- (A) Ballet Theatre of Des Moines to display 36 banners on Fifth and Grand Avenue during the month of November 2003.

(B) Des Moines Art Center to display 36 banners on Locust Street, Eighth Street, and Grand Avenue during November and December 2003.

(C) Operation Downtown and Ampco System Parking to display 48 banners on Locust Street and Grand Avenue during November and December 2003.

30. Receipt of Quarterly Treasurer's Report as of September 30, 2003.

31. Police Department grant application for purchase of two lap top computers for use by arson investigators in the field, \$7,366.

[\(Council Communication No. 03-510\)](#)

32. Civil Service Promotional List for Semi Skilled Worker and Entrance List for Park and Recreation Fund Development Supervisor.

33. Authorizing Finance Director to issue checks on the registers of October 23 and October 30, 2003; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of October 20 and October 27, 2003; and to draw checks for biweekly payroll due on October 31, 2003.

ORDINANCES - FINAL CONSIDERATION

34. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

(1) Designation of Handicapped Parking Meters--East and West Sides of 6th Avenue, North of Walnut Street.

(2) Corner Clearance--North Side of East Locust Street, West of Pennsylvania Avenue.

(3) Loading Zone--North Side of Locust Street, East of 2nd Avenue.

(4) Loading Zone--North Side of Raccoon Street, East of SE 8th Street.

ORDINANCES - SECOND CONSIDERATION

35. On vacation of Market Street in the vicinity of 501 W. Martin Luther King Jr. Parkway.

36. On vacation of the North/South alley between 15th and 16th, and between Pleasant and Park Streets.

37. On rezoning of property at 1181 9th Street, from the "R-3" and "R-4" (Multiple Family Residential Districts) to Limited "C-1" (Neighborhood Retail Commercial District).

38. Amending Chapter 26 of the Municipal Code regarding enclosure of swimming pools and water recreational facilities.

39. Amending Chapter 114 of the Municipal Code to implement two-way traffic operation of Buchanan Street between East 7th Street and Pennsylvania Avenue.

40. Amending Chapter 26 of the Municipal Code regarding qualifications for appointment to the Housing Appeals Board.

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

ORDINANCES - FIRST CONSIDERATION

41. Amending Chapter 30 of the Municipal Code regarding licensing of and transactions fees for Pawnbrokers.

[\(Council Communication No. 03-515\)](#)

42. Amending Chapter 10 of the Municipal Code regarding civil penalties for liquor licensed establishments, and adding new classification for Native Wine permits.

[\(Council Communication No. 03-517\)](#)

(A) Final consideration of ordinance above, (waiver requested by City Clerk and Legal Department), requires 6 votes.

43. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

(1) One-Sided Parking Restriction--North Side of E. Marion Street between SE 23rd Street and Evergreen Avenue.

(2) Corner Clearance--South Side of Rose Avenue, East of SW 12th Street.

(3) Corner Clearance--South Side of Sheridan Avenue, East and West of 35th Street.

44. NUMBER NOT USED.

COMMUNICATIONS/REPORTS

45. SEE 16A.

46. From Robert French, 1119 E. 13th Street, requesting to speak regarding fees for animal licenses.

47. Petition from area residents requesting construction of sidewalks on the west side of SW 15th Street from Geil Avenue to Havens Avenue.

HEARINGS (Opened at _____ P.M.) (Items 48 thru 51)

48. Approving amendment to the 2020 Community Character Land Use Plan to revise the future land use designation at 2808 E. 16th Street from Low Density Residential to High Density Residential.

(A) Hearing on request from Luther Care Services to rezone property at 2808 E. 16th from "R1-60" (One Family, Low Density Residential) and "R-2" (One and Two Family Residential) to a "PUD" (Planned Unit Development), and approving a "PUD" Conceptual Plan to allow development of a 47 unit elderly housing apartment building.

(B) First consideration of ordinance above.

(C) Final consideration of ordinance above, (waiver requested by owner), requires 6 votes.

49. On conveyance of 3300 Scott Avenue to LAB Investment Company, Inc., \$53,000.

50. On vacation and conveyance of a 280' dead end stub of Broad Street running east of SW 12th Street to five abutting property owners.

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above, (waiver request by Legal Department), requires 6 votes.

51. On WRF W3 Water System Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Van Hauen & Associates, Inc. (Mark Van Hauen, Vice President/CEO, Clive), \$425,000.

[\(Council Communication No. 03-513\)](#)

(A) Approving contract and bond.

* * END HEARINGS at _____ P.M. * *

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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. Request from Council Members Brooks and Cownie, to receive and file the Health Insurance Assessment Committee's [Report.](#)

A G E N D A

BOARD OF HEALTH

October 20, 2003

MOTION TO CONVENE

AUTHORIZING

1. Court authority to abate the public nuisance at the following location:

(A) 4205 Park Avenue (Building 4) (vacant) Titleholder: Park Woods Limited Partnership.

(B) 708 Sandahl (garage structure) Titleholder: Mary Williams.

(C) 231 E. 16th Street (garage structure) Titleholder: LeRoy L. Luncsford and Nancy S. Luncsford; Legal Interest Holder: First Class Credit Union f/k/a First Iowa Community Credit Union.

(D) 922 24th Street (vacant) Titleholders: Heirs of George J. Alyk: George J. Alyk , Jr., Marie

Ness, Nancy Baerlocher, Cary Baerlocher, Dan Alyk and Stacey Alyk; Legal Interest Holders:
U. S. Bank National Association f/k/a FirStar Bank Des Moines, NA f/k/a Valley National Bank
and Christine Frank d/b/a Tax 231.

(E) 814 29th Street (garage structure) Titleholders: Michael C. Hamilton, Brian Kay and Bonnie
Kay, Legal Interest Holder: John Zajicek d/b/a Z Fin 32.

2. The Engineering Department to cause the removal of 3716 SW 12th Street (vacant)
Titleholder: GMAC Mortgage Corporation.

MOTION TO ADJOURN AT _____ P.M.