

DES MOINES CITY COUNCIL MEETING

October 25, 2004 4:30 P.M.

PROCLAMATIONS – 4:15 P.M.

Lupus Awareness Month
Javits-Wagner-O’Day (Goodwill)

INVOCATION: Father Jim Kiernan
St. Ambrose Cathedral

1. ROLL CALL:
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 56

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License applications for the following:

RENEWAL APPLICATIONS

(A) CENTRO RESTAURANT	1011 LOCUST ST	C Liquor
(B) DAHLS FOODS	3400 E 33RD ST	E Liquor
(C) DAHLS FOODS	4343 MERLE HAY RD	E Liquor
(D) DUDS N SUDS	2629 BEAVER AVE	B Beer
(E) FAIRGROUNDS 66	303 SE 30TH ST	C Beer
(F) GARDEN	112 SE 4TH ST	C Liquor
(G) MY PLACE	910 HULL AV	C Liquor

SPECIAL EVENT APPLICATION

(H) WINSTONS PUB & GRILLE Beer/Wine	800 WALNUT ST	C
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Five-day license in conjunction with Dig Downtown on October 29, 2004.

5. Consideration of Class C Liquor License for West End Lounge, 2309 Forest Avenue. **Recommendation from Vice Control Unit to deny.**
6. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

7. Resolution Ordering Construction of 2004 Sanitary Sewer Lining Program-Contract 1 – Receiving of Bids, (11-30-04), and Setting Date of Hearing, (12-6-04). (Construction Estimate - \$3,600,000).
8. Approving residential paving of portions of College Avenue, Terrace Drive and E. 28th Street, alley between Penn and E. 8th Street from Buchanan to Freemont, and installation of curb and gutters on Urbandale Avenue from Merle Hay, west to City limits:
 - (A) Communication from City Manager.
 - (B) Preliminary resolution for construction.
 - (C) Fixing values of lots.
 - (D) Adopting preliminary plat and schedule, estimate of costs and proposed plans and specifications.
 - (E) Proposed Resolution of Necessity, Notice to Property Owners of Hearing and Setting Date of Hearing, (11-22-04).
9. Approving Private Construction Contract between Nuckolls Concrete Services, Inc. and J.D. Carpenter Companies, Inc. for Street Improvements in E. 14th Street at intersection with E. Ovid Avenue.
10. Approving completion and recommending acceptance of the following Private Construction Contracts:
 - (A) Double T Asphalt and Des Moines Independent Community School District for Street Improvements, widening of west side of SW 9th Street, northerly of Loomis Avenue.
 - (B) Earth Movers, Inc. and Central Iowa Hospital Corporation for Sanitary Sewer Improvements, rerouting of sewer pipe, manholes and miscellaneous associated work at 700 E. University Avenue.

11. Approving the following Change Orders:
 - (A) No. 9 with Jasper Construction Services, Inc. for additional work on Highland Park Streetscape Project, not to exceed, \$26,710.

[\(Council Communication No. 04-539\)](#)
 - (B) No. 3 with Rognes Corporation for additional work on Upper Union Park Sewer Separation Phase II Project, not to exceed \$29,345.50.

[\(Council Communication No. 04-538\)](#)
12. Communication from Van Hauen & Associates, Inc. requesting permission to sublet certain items on Bill Riley Trail Drainage Improvements.
13. Accepting completed construction and approving final payment for Upper Union Park Sewer Separation Phase 1, KRI Company.

SPECIAL ASSESSMENTS

14. Levying assessment for cost of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule No. 2004-58.

LAND/PROPERTY TRANSACTIONS

15. Approve and accept real estate documents for the following:
 - (A) 5405 McKinley Avenue for the Airport Runway 13R/31L Project, \$275,000 plus closing costs.
 - (B) 1325 Locust Street for the Western Gateway Project, \$19,000 plus closing costs.
16. Authorization to proceed with right-of-way acquisition for Oak Park Avenue Storm Drainage Improvements Project.
17. Approving Tax Abatement applications for additional value added by improvements made during 2004. (203 applications).

- [\(Council Communication No. 04-544\)](#)
18. Approving final subdivision plat for August Home Plat 1, 2150 Grand Avenue.

[\(Council Communication No. 04-543\)](#)

19. Approving tax abatement application that was timely filed for additional value added by improvements during 2003 for 2628 Bent Ridge Court.

[\(Council Communication No. 04-542\)](#)

BOARD/COMMISSIONS/NEIGHBORHOODS

- 19-I Approving appointment of Phil Roeder as the School Liaison to Des Moines Parks & Recreation Board.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

20. Approving payment of \$13,498.50 to Harold Mills for injury sustained during course and scope of employment.
21. Approving payment of \$21,621.15 to Frank Rains for injury sustained during course and scope of employment.

SETTING DATE OF HEARINGS

22. On conveyance of an Underground Electric Line Easement at the west side of SE 43rd Street and half mile south of Vandalia Road to MidAmerican Energy as part of the Agrimergent Technology Park Storm Water Improvements Project, (11-8-04).
23. On vacation and conveyance of the south 130' of a dead end segment of the north/south alley running south from E. Lacona between SE 8th Street and SE 8th Court, to Mark A. and Tammy L. Ruby, \$75, and to John W. Virden, \$75, (11-8-04).

24. On request from Michael Barnes, to rezone property at 615 Park Street, from “C-2” (General Retail and Highway Oriented Commercial) to “C-3” (Central Business District Commercial), (11-8-04).
25. On request from Harry Aller and Iowa Auto Top to amend paragraph (36) of subsection (c) of Section 134-947 of the Zoning Ordinance regarding the scope of general motor vehicle repair businesses allowed in “C-2” General Retail and Highway Oriented Commercial district to allow automotive upholstery, scratch and dent repair and minor painting, (11-8-04).

[\(Council Communication No. 04-554\)](#)

26. On conditional approval of a request from Triton Homes, LLC, for amendment to the approved River Oaks Centre PUD Concept Plan for property at 6000 Creston Avenue, to change the approved 72 units of multifamily residential to 72 units of townhomes, subject to plan revisions, (11-8-04).

APPROVING

27. Directing sale of \$5,160,000 Sewer Revenue Bonds, series 2004G, to fund costs of the Municipal Wastewater Treatment Utility System including the Southeast Ridge Trunk Sanitary Sewer Project, (11-8-04).

[\(Council Communication No. 04-545\)](#)

28. Directing sale of \$14,790,000 Sewer Revenue Refunding Bonds, Series 2004H, to be used to refund and refinance Series 2002C and 1995A, (11-8-04).

[\(Council Communication No. 04-546\)](#)

29. Setting Date of Hearing on Supplement No. B1 to the Governmental Lease-Purchase Master Agreement, \$700,000, for acquisition and financing of 32 vehicles for the Police Department, (11-8-04).

[\(Council Communication No. 04-532\)](#)

30. See Item 53A(1).

CITY MANAGER COMMUNICATIONS

31. Submitting traffic regulation changes as follows:
 - (A) Corner Clearance – East side of SE 8th Court, south of King Avenue.
 - (B) Metro Community Relations Official Police Vehicle Parking – 9 SW 7th Street.
 - (C) Traffic Calming – Madison Avenue between Lower Beaver Road and Beaver Avenue.
 - (D) Two-Sided Parking Restriction – Wolcott Avenue between SW 30th Street and SW 31st Street.
 - (E) Midblock Pedestrian Signal – On Forest Avenue, east of 18th Street.

[\(Council Communication No. 04-535\)](#)

32. Submitting out-of-state travel for Eric Anderson and Tom Vlassis.

[\(Council Communication No. 04-553\)](#)

APPROVING

33. 2003 Supportive Housing Program Renewal Grant Agreement for supplemental funding for local homeless programs to address service gaps.

[\(Council Communication No. 04-519\)](#)

34. Authorization of \$250,000 grant request to the Polk County Housing Trust Fund for the City Emergency Repair Loan Program.

[\(Council Communication No. 04-520\)](#)

35. Closeout documents for a Fiscal Year 1999 Supportive Housing Program (SHP) Grant.

36. Land purchase agreement with Des Moines Development Corporation (DMDC) Properties for acquisition of property in Western Gateway, \$110,000.

37. Release of Covenant for 1531 Maine Street in Central Place.

[\(Council Communication No. 04-521\)](#)

38. Neighborhood Revitalization Program Loan in the amount of \$9,000 for renovation to 1022 Des Moines Street, Capitol Grounds Coffeehouse.

[\(Council Communication No. 04-552\)](#)

39. Amendment to Schedule of Fees for Coin Operated Amusement Devices.

[\(Council Communication No. 04-548\)](#)

40. License Agreement with Nationwide Mutual Insurance Company for installation and operation of a Fiber Optic Communications System in City Skywalks.

41. Authorization to submit applications to Des Moines Metropolitan Planning Organization for Federal Surface Transportation Program (STP) and Transportation Enhancement (TE) funds for 2008 Fiscal Year.

[\(Council Communication No. 04-540\)](#)

42. Public Works Department's status report on the solid waste fund.

[\(Council Communication No. 04-550\)](#)

43. New recyclable rates with Mid America Recycling, Inc.

[\(Council Communication No. 04-549\)](#)

44. Agreement with MidAmerican Energy Company for installation of underground electric distribution system along Carlisle Road as part of Agrimergent Technology Park Storm Sewer Outlet and Pump Station.

45. 23rd Annual Equal Opportunity Status Report and the 2004-2005 Affirmative Action Annual Work Plan.

[\(Council Communication No. 04-536\)](#)

46. City of Des Moines Financial Report for three months ended September 30, 2004.

[\(Council Communication No. 04-534\)](#)

47. Master Lease-Purchase Agreement Form and Provider to Banc of America Leasing & Capital, LLC.

[\(Council Communication No. 04-530\)](#)

48. Addition of Easter Lake Recreational Trail System to Bicycle and Pedestrian Trail Facilities Plan Map.

[\(Council Communication No. 04-541\)](#)

49. Receipt of Blank Park Zoo Foundation Financial Report and authorizing negotiation of terms to extend 28E Operational Agreement beyond current termination date of June 30, 2005.

[\(Council Communication No. 04-547\)](#)

50. Communication from Downtown Community Alliance for the following:

- (A) Ballet Theater of Des Moines to display 36 banners on 18 poles on Locust Street during November.
- (B) Meredith Corporation of Des Moines to display 7 banners on 7 poles on Locust Street during November.

51. BI Tran Systems, Inc. as Service Provider for Traffic Management System Software, related hardware and training.

[\(Council Communication No. 04-537\)](#)

52. Civil Service Entrance Lists for Plans Examiner, Family Self Sufficiency Coordinator, Housing Services Homeowner Property Disposition Coordinator, and Promotional Lists for Fleet Services Mechanic Team Leader and Senior Refuse Collector.

53. Bids from the following:

- (A) Charles Gabus Ford for three (3) emergency utility vehicles, \$66,900 and Electronic Equipment Co. for the light bar equipment, \$5135.58 for use by the Police Department, total cost \$72,035.58; subject to obtaining the necessary financing through the City's master lease-purchase agreement with Banc of America supplement no. 16. (Twelve bids mailed, seven received.)

[\(Council Communication No. 04-518\)](#)

- (1) Authorizing execution and delivery of Supplement No. 16 to the Governmental Lease-Purchase Master Agreement for the purchase of three vehicles for the NBSD program, \$72,035.58.

[\(Council Communication No. 04-531\)](#)

- (B) Ronald C. Peck Auction Services for auctioneering services to dispose of abandoned and/or surplus vehicles and equipment, and Auction Outlet for auctioneering services on unclaimed and miscellaneous surplus property for an annual contract with up to four additional one-year renewal options.

[\(Council Communication No. 04-517\)](#)

54. Finance Director to draw checks for check registers of October 28 and November 4, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of October 25 and November 1, 2004; and to draw checks for biweekly payroll due October 29, 2004.

ORDINANCES - FINAL CONSIDERATION

55. On vacation of north/south and east/west alleys in vicinity of East Vine Street, East Market Street, SE 7th Street and SE 8th Street.

ORDINANCES - SECOND CONSIDERATION

56. Submitting various traffic regulation changes as follows:
- (A) Petition for Parking Restriction Reversal-Thornton Court, west of SE 20th Street.
- (B) Intersection Study-34th Street and Clark Street.

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

ORDINANCES - FIRST CONSIDERATION

57. Amending Chapter 114 of the Municipal Code regarding changes to City Snow Routes.
58. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows:
 - (A) Corner Clearance-North Side of Creston Avenue, west of SW 12th Street.
 - (B) Stop Sign on Gray Street at SE 3rd Street.
 - (C) Allow Parking-East Side of 19th Street from Woodland Avenue south to the Alley.
59. Amending Chapter 102 of the Municipal Code regarding snow and ice removal.

[\(Council Communication No. 04-551\)](#)

COUNCIL REQUESTS

60. From Council Member Chris Coleman to speak regarding labeling/naming of various Martin Luther King Jr. Parkway.
61. From Council Member Michael Kiernan to discuss donation to the Workers Monument on the State Capitol grounds.

COMMUNICATIONS/REPORTS

62. From Francine Belinsky, 3105 Stanton, to speak regarding the assessment for a clean up of her property.
63. From Robert and Gema Grant, 1701 E. Kirkwood, to speak regarding recycling.

64. From Pastor Terry Pauley, 1931 SW 1st Street, to speak regarding release of City lien.
65. Petition from property owners requesting paving on South Union Street from Jackson Avenue to the Dead End, north of Clay Street.

HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 66 THRU 75)

66. On appeal from William H. Smith, Jr., 4816 Pleasant Street, regarding Administrative Hearing Officer's decision on impounded vehicles.
67. On Building Official's determination that structure at 1101 Scott Street constitutes a public nuisance, continued from June 21, 2004 (Titleholder is granted an additional thirty days to abate the nuisance).

[\(Council Communication No. 04-555\)](#)

68. On items regarding Drake University Stadium Renovation:
 - (A) Hearing on vacation of 28th Street from Forest to Clark.
 - (1) First consideration of ordinance above.
 - (B) Hearing on vacation of Clark Street from 27th to 28th, and to **continue the hearing** on conveyance of the property.
 - (1) First consideration of ordinance above.
69. On vacation of segment of Monroe Street right-of-way in vicinity of 1300 SE 1st Street.
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by Joseph Romeo), requires 6 votes.
70. On vacation and conveyance of east/west alley between Ingersoll Avenue and Grand Avenue from 16th Street to 17th Street to Iowa Paint Manufacturing Company, \$65,500.
 - (A) First consideration of ordinance above.

- (B) Final consideration of ordinance above, (waiver requested by Legal Department), requires 6 votes.
71. On conveyance of City-owned landlocked property south of Ingersoll Avenue, north of Grand Avenue and west of projected Martin Luther King, Jr. Parkway to Timothy J. Flanagan Corporation, \$1, **and continue the hearing to December 20, at 5:30 P.M.**
72. On conveyance of 501 West Martin Luther King Jr. Parkway to WKKS Properties, LC, \$150,000.
73. On intent to convey the Des Moines Metropolitan Wastewater Reclamation Facility, and certain sanitary interceptor sewers, Wastewater Detention Basins and Pumping Stations, to the Des Moines Metropolitan Wastewater Reclamation Authority, **and continue the hearing to November 8, at 5:30 P.M.**
74. On application for Voluntary Annexation from Twin Eagles Development, L.L.C. for approximately 33 acres consisting of the NE 30th Place right-of-way extending west from NE 52nd Ct. and an adjoining tract of land extending south to NE 23rd Avenue (Easton Blvd.) and NE Oakhill Drive.
- (A) Resolution amending the Des Moines 2020 Comprehensive Land Use Plan to designate the above property as Low Density Residential, Low/Medium Density Residential and Medium Density Residential.
- (B) On request from Twin Eagles Development, L.L.C. to rezone property at 5450 NE 23rd Avenue from “A-1” (Agricultural) to “PUD” (Planned Unit Development) and approve a “PUD” conceptual plan for “Copper Crossing”.
- (C) First consideration of ordinance above.
- (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
75. On request from Terrus Group to amend the Hillside PUD Conceptual Plan for property located between 7th and 9th Streets and between Center and Crocker Streets.
- 75-IO On sale of City property at Witmer Parkway and Beaver Avenue, to R.M. Madden Construction, \$16,240, to construct a single-family home, continued from 10-11-04.

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

CITY MANAGER RECOMMENDATIONS

76. Regarding preliminary terms for agreement with Regional Cultural Council, Inc. for payment of hotel-motel tax money for cultural and arts organizations.

APPROVING

77. The following with Court Avenue Partners II, L.P.:

- (A) Urban Renewal Agreement for sale of City-owned parcels located south of Court Avenue between SW 3rd and SW 4th Streets.

[\(Council Communication No. 04-516\)](#)

- (B) Urban Renewal Development Agreement for renovation of upper three floors of the Spaghetti Works Building, 302-310 Court Avenue for 52 residential apartments.

[\(Council Communication No. 04-533\)](#)

- (C) Setting Date of Hearing on proposed sale of vacated east/west alley adjoining the Spaghetti Works Building, \$1,000, (11-8-04).

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. Court authority to order abatement of the public nuisance structures at the following locations:

- (A) 1536 Arlington Avenue, Titleholders: Mark Robinson and Clarissa Robinson; Contract Buyer: Desiree Gomez; Mortgage Holders: Homecomings Financial Network, Inc.
- (B) 1347 22nd Street, Titleholders: Robert J. Lippold and Jocelyn S. Lippold, Mortgage Holder: Bankers Trust Company, N.A.
- (C) 1354 22nd Street, Titleholders: Mooring Tax Asset Group XXXVI, LLC.
- (D) 2107 E. 38th Street, Titleholder: Ameriquest Mortgage Company.
- (E) 3846 56th Street, Titleholder: Shelly Meyers, Mortgage Holders: Mortgage Investor Services, LLC and The Provident Bank.

2. The Engineering Department to cause the removal of the following public nuisance structures:

- (A) 1317 Clark Street, Titleholders: George H. Lester and Leona M. Lester.
- (B) 1406 2nd Place, Titleholder: Stephen J. Clark, continued from 10-11-04.
- (C) 1704 E. 21st Street, Titleholder: Romona L Rogers.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003