

DES MOINES CITY COUNCIL MEETING

November 17, 2003 4:30 P.M.

INVOCATION: Rev. Sondra Eddings, First Christian Church

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 68:

LICENSES AND PERMITS:

Approving

4. The following Beer/Liquor Applications:

NEW APPLICATIONS

(1) Corigliano's, 2619 SW 9th, B Beer.

RENEWAL APPLICATIONS

(2) BJM Food Mart, 3625 Ingersoll Ave., C Beer.

(3) Citgo Gas Station, 4600 Fleur Dr., C Beer.

(4) Club 2000, 422 Indianola Ave., C Liquor.

(5) Drake Liquor Store, 2106 Forest Ave., C Beer.

(6) Drake Liquor Store, 2106 Forest Ave., B Wine.

(7) El Rodeo #2, 1234 E. Euclid Ave., C Liquor.

- (8) Fairgrounds 66, 303 SE 30th St., C Beer.
- (9) Fiesta Cancun Mexican Restaurant, 5118 SE 14th St., C Liquor.
- (10) Ginos Restaurant & Lounge, 2809 6th Ave., C Liquor.
- (11) Happy Joes Pizza & Ice Cream, 4743 SE 14th St., B Beer.
- (12) Hull Avenue Tap, 834 E. Hull Ave., C Liquor.
- (13) Lori and Roys Place, 2301 Hubbell Ave., C Liquor.
- (14) Los Laureles, 1518 E. Grand Ave., B Beer.
- (15) Louies Chinese and Thai Food, 1022 E. 12th St., B Beer.
- (16) Park Avenue Pub, 1101 Park Ave., C Liquor.
- (17) QuikTrip #541, 2428 Hubbell Ave., C Beer.
- (18) QuikTrip #541, 2428 Hubbell Ave., B Wine.
- (19) Rustys, 2565 Wedgewood, C Liquor.
- (20) Skips, 4000 Fleur Dr., C Liquor.
- (21) Sleepy Hollow Sports, 4051 Dean Ave., C Liquor.
- (22) Smoke Shop, 1918 SE 14th St., E Liquor.
- (23) Smoke Shop, 1918 SE 14th St., C Beer.
- (24) Smoke Shop, 1918 SE 14th St., B Wine.
- (25) Stroll Inn, 3325 Hubbell Ave., C Liquor.
- (26) Sudsuckers, 1511 E. Army Post Rd., C Liquor.
- (27) Vaudeville Mews, 212 4th St., C Liquor.
- (28) Cafe DiScala, 2002 Woodland Ave., B Wine.

5. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Resolution ordering construction of the following:

(A) US 69 and County Line Road Left Turn Lanes and Traffic Signals, Receiving of bids, (12-9-03), and Setting date of hearing, (12-22-03). (Construction estimate \$214,000).

(B) City Hall Cooling Tower Replacement, Receiving of bids, (12-9-03), and Setting date of hearing, (12-22-03). (Construction estimate \$65,700).

(C) 2003 Skywalk Directories and Overhead Signs, Receiving of bids, (12-9-03), and Setting date of hearing, (12-22-03). (Construction estimate \$57,700).

7. Approving agreement with IDOT for E. 30th Street Resurfacing from Dean Avenue to Maple Street, \$195,000.

[\(Council Communication No. 03-538\)](#)

8. Approving Preconstruction Agreement with IDOT for interchange reconstruction at 42nd Street Interchange, 7th Street/6th Avenue/5th Avenue Interchanges and E. 14th Street Interchange.

[\(Council Communication No. 03-536\)](#)

9. Approving professional services agreement with Veenstra & Kimm, Inc. (H. R. Veenstra Jr., President, West Des Moines) in conjunction with the Four Mile Trunk Replacement Sewer, not to exceed \$58,770.

[\(Council Communication No. 03-539\)](#)

10. Approving professional services agreement with Dunbar/ Jones PLC (Thomas R. Dunbar, Partner) in conjunction with the development of plans for the Sylvan Theater Restoration, \$28,821.

[\(Council Communication No. 03-534\)](#)

11. Authorization to proceed with the design process on Clover Hill Trunk Sanitary Sewer Connection Fee project including issuance of RFP.

[\(Council Communication No. 03-543\)](#)

12. Approving intent to provide funding for extension of sewer main to serve proposed Southeast Annexation Area within fiscal year 2005/06.

13. Approving Change Order No. 5 with The Underground Co. Ltd. (Duane Burkhardt, President) for additional work in conjunction with the 15th/16th Streets Connector contract, not to exceed \$18,300.

[\(Council Communication No. 03-535\)](#)

14. Approving Change Order No. 1 with Van Hauen & Associates, Inc. (Mark Van Hauen, Vice President & CEO, Clive) for additional work in conjunction with M. L. King Jr. Parkway Raw Water Line Relocation project, not to exceed \$157,512.

[\(Council Communication No. 03-541\)](#)

15. Communications from various contractors requesting permission to sublet certain items on two public improvement projects (WRF W3 Water System Improvements and Martin Luther King, Jr. Parkway Paving SW Second Street to SW 7th).

16. Approving contract and bond and permission to sublet for a public improvement project, which estimated cost is less than \$25,000 - Blank Park Zoo Service Building, \$21,850.

17. Accepting completed construction and approving final payment of the following:

(A) Glendale Cemetery Block M Sidewalk, \$1,579.85 is now due and remaining balance of \$1,138.15 to be paid at the end of thirty days.

(B) Emergency Scott Street Siphon Repair, \$25,136.76 is now due and remaining balance of \$6,022.99 to be paid at the end of thirty days.

(C) 2002 Sidewalk Replacement Program, \$2,907.62 is now due and remaining balance of \$11,335.45 to be paid at the end of thirty days.

SPECIAL ASSESSMENTS

18. Authorizing Engineering Department staff to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for October, 2003.

19. Petition and Waiver forms for sidewalk program/request to repair driveway executed by owners of two properties, and curb replacement program/request to repair driveway executed by owner of one property, and authorizing City Manager to proceed with construction.

20. Approving refund of unused special assessment default fund, Refund Schedule No. 2003-01, \$32,081.49.

[\(Council Communication No. 03-537\)](#)

21. Approving Delinquent Sewer Rental and/or Solid Waste Stormwater Utility fees for October, 2003 for certification to Polk County.

22. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development & Public Works) for the following:

(A) Schedule No. 2003-08.

(B) Schedule No. 2003-30.

(C) Schedule No. 2003-57.

(D) Schedule No. 2003-81.

(E) Schedule No. 2003-82.

LAND/PROPERTY TRANSACTIONS

23. Approve and accept real estate documents for railroad tracks south of Grand Avenue and west of Fleur Drive for the Martin Luther King, Jr. Parkway Project, \$50,000 plus closing costs.

24. Approve and accept real estate documents for property at 1716 Locust Street for the Martin Luther King, Jr. Parkway Project, \$33,000 plus closing costs.

25. Approve and accept real estate documents for property at the Northeast Corner of East Fourth Street and East Grand Avenue for the Gateway East Project, \$620,000.

26. Authorization to proceed with acquisition of right-of-way and easements for the Four Mile Interceptor Extension Project.

27. Authorization to proceed with acquisition of right-of-way and easements for the Southeast Ridge Trunk Sanitary Sewer Project - Phase 1.

28. Authorization to proceed with acquisition of the right-of-way and easements for the East 20th Street Connector Trunk Sewer Project.

29. Release of portion of Public Utility Easement at 5200 SE 5th Street to remedy encroachment of dwelling upon the easement area.

30. Request for extension of time for the filing of final subdivision plat entitled Hillsboro, Plat 3 located south of East Luster Lane and east of SE 22nd Street.

31. Approval of tax abatement application for 1713 - 16th Street requesting the County apply the

application retroactively to 2002 instead of 2004 due to special circumstances.

[\(Council Communication No. 03-547\)](#)

32. Approval of recommendation to County Assessor for tax abatement for property at 5727 S.E. 31st Street be applied retroactively to 2002 due to special circumstances.

[\(Council Communication No. 03-549\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

33. Communication from Des Moines Public School Board regarding appointment of Graham Gillette to Seat 15 on the Park and Recreation Board as liaison of the Des Moines Public School Board to fill unexpired term of J. Marc Ward.

34. Communication from Neighborhood Revitalization Board regarding the following:

(A) Attendance of Willa Mae Allen.

(B) Resignation of Paul Sadler.

STREET CLOSURES

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

(1) Kelly Foss, representing Downtown Community Alliance, requesting permission to close an additional area of Court Avenue from 3rd Street to 5th Street on Saturday, December 6, 2003 for Fire in the Sky.

CITY PLAN COMMISSION RECOMMENDATIONS

36. Regarding Council-initiated request to rename a segment of Tuttle Street between SW 2nd and SW 3rd Street, and a portion of the driveway running east/west of the north side of Sec Taylor Stadium, as "Line Drive".

37. Regarding request from Wastewater Reclamation Authority for vacation and conveyance of segments of public streets in conjunction with the Biosolids property buyout project:

(A) Vale Street, west of SE 25th Court

(B) Railroad Court from SE 24th Court to SE 25th St.

(C) Railroad Avenue from SE 25th Street to SE 25th COurt

(D) East Railroad Avenue from SE 24th Court to SE 25th Street

(E) SE 24th Court from Vale Street to East Railroad Avenue

(F) SE 25th Street from Railroad Court to East Railroad Avenue.

SETTING DATE OF HEARINGS

38. On sale of the east half of a vacated alley adjacent to 718 SE 27th, to Thomas E. and Jacki L. Heston, \$50, (12-8-03).

39. On vacation and conveyance of the north/south alley south of Scott Avenue between SE 27th Court and SE 28th Street, to 10 abutting property owners, (12-8-03).

40. On request from the Aviation Director, to rezone property at 2870 Army Post Road, to "M-3" (Limited Industrial District), to allow support industrial development within the expanded boundaries of the Airport, (12-8-03).

41. On request from Burns & Burns, L.C. to rezone property at 1200 4th Street from "C-2" (General Retail and Highway Oriented Commercial) and "R1-60" (One Family Low Density Residential) to "NPC" (Neighborhood Pedestrian Commercial) to allow for a 60-unit assisted living complex, (12-8-03).

42. On request from Anawim Housing, to rezone property at 513, 509, and 501 Forest Avenue from "C-1" (Neighborhood Retail Commercial) and "R1-60" (One Family Low Density Residential) to "NPC" (Neighborhood Pedestrian Commercial) and "R-2A" (General Residential) to allow for a mixed use project involving ground level retail/office and 6 upper story multiple dwellings and 6 two-story row dwellings, (12-8-03).

43. On request from Bobmar, L.C. to amend conditions of the existing Limited "C-1" (Neighborhood Retail Commercial) district, for property at 1233-63rd Street, subject to replacing the prior conditions, (12-8-03).

44. On Council-initiated request for proposal to amend the Easter Lake New Town Plan element of the Des Moines 2020 Community Character Future Land Use Plan; for amendment to the Three Lakes Estates Planned Unit Development Concept Plan for property in the vicinity of 6726 Three Lakes Parkway, to remove a segment of the through connector street between E. Army Post Road and E. Pine Avenue; and proposed vacation of the dead end segment of Three Lakes Parkway, southeast of Moonlight Drive, (City Plan Commission recommends DENIAL), (12-8-03).

45. On United Parcel Service Agreement amendments, (12-08-03):

(A) On Third Amendment to Land Lease Agreement.

(B) On First Amendment to the 2870 "OLD" Army Post Road Lease.

(C) On First Amendment to the 3251 "OLD" Army Post Road Lease.

[\(Council Communication No. 03-551\)](#)

46. On Supplement No. 14 to the Governmental Lease-Purchase Master Agreement, to acquire and upgrade audio-visual and other broadcast equipment, \$51,500, (12-8-03).

[\(Council Communication No. 03-544\)](#)

47. Items regarding the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID):

(A) City Plan and Zoning recommendation.

(B) Setting Date of Hearing on petition to continue and expand the district, (12-22-03).

48. On assessment of penalties/suspension to the following for violation of Iowa Alcoholic Beverage Laws, (12-8-03):

(A) Two \$500 penalties and a 20 day suspension of alcoholic beverage license to the Independent Lodge No. 4, 1601 6th Avenue.

(B) \$1,500 penalties and 60 day suspensions of alcoholic beverage license/permits to Drake Liquor Store, 2106 Forest Avenue, and Git-N-Go Convenience Store, 4900 Urbandale Avenue.

(C) \$500 penalties to fifteen alcoholic beverage license/permit holders.

CITY MANAGER COMMUNICATIONS

49. Submitting out-of-state travel for Eric Anderson, Karen Erickson, Kelly Berger, Suzy Hemphill, Emily Rice, and Peter Sloterdyk.

[\(Council Communication No. 03-527\)](#)

APPROVING

50. Reallocation of \$44,904 of unexpended Weed & Seed funding from the Executive Office for Weed & Seed (EOWS) for the John R. Grubb YMCA Weed & Seed Community Activities Project.

[\(Council Communication No. 03-528\)](#)

51. Advisory Board's report for Police Department to use 2003 Local Law Enforcement Block Grant to purchase a forensic homicide/major case mobile command post and upgrade the Police Academy range; also to disband the 2003 Advisory Board.

[\(Council Communication No. 03-530\)](#)

52. Agreement for alcohol enforcement grant from Employee and Family Resources, \$4,500.

[\(Council Communication No. 03-529\)](#)

53. Receipt of proposed regulation regarding prohibited and permitted uses of the airport retention basin (pond) at the Des Moines International Airport effective January 19, 2004.

54. 28E Agreement with City of West Des Moines, providing management, operation, maintenance and security of the Raccoon River and Walnut Creek Flood Protection Improvements constructed by the U.S. Army Corps of Engineers.

55. 28E Agreement with the City of Altoona for the sale and transfer of conveyance capacity in the Little Four Mile Creek Interceptor Sewer, \$250,543.03.

[\(Council Communication No. 03-542\)](#)

56. Support for U.S. Forest Service - Inner City Forestry Grant/Application Project, entitled "Revitalizing Neighborhood Forestry in Des Moines".

[\(Council Communication No. 03-531\)](#)

57. The 21st Annual Boards and Commissions Appreciation Dinner to be held on Thursday, May 6, 2004.

58. Financial Report for the three months ended September 30, 2003.

[\(Council Communication No. 03-548\)](#)

59. Renewal Agreements for Pool Concessions beginning January 1, 2004 - December 31, 2006 for the following:

(A) Approval of adjusted percentage for Davis Concession at Teachout Aquatic Center and Savage Softball Complex from 30% to 25%.

(B) Approval of Assignment of Concessionaire Agreement for Nahas and Northwest Aquatic Centers and approval of Acceptance of Assignment Agreement.

[\(Council Communication No. 03-550\)](#)

60. Procurement of replacement pumps and related equipment for the Indiana Avenue Stormwater Pump Station from Electric Pump & Tool Services, Inc. (Dick Miller, President) in accordance with five-year pump equipment and services standardization agreement, \$221,235.

[\(Council Communication No. 03-540\)](#)

61. New rates for MidAmerica Recycling Contract for calendar year 2004.

[\(Council Communication No. 03-526\)](#)

62. Bids for the following:

(A) Maverick Distribution, LLC (Kevin Tracy, President, Ankeny) for repair of a centrifuge rotating assembly, through low bid procurement, for use by the Wastewater Reclamation Facility, not to exceed \$63,035. (Three bids received).

[\(Council Communication No. 03-533\)](#)

(B) Replacement vehicles for use by the Police Department from various companies (see roll call for list), \$645,173.58. (Ten bids mailed, seven received).

(C) Emergency Vehicle Sales & Service (Alexander, IA) for two new ambulances and accessories, with trade in of unit #3144 and sale of unit #3133 to the St. Charles Fire Department at a total cost of \$230,200.89. (Twelve bids mailed, four received).

[\(Council Communication No. 03-546\)](#)

63. Civil Service Promotional Lists for Airport Field Worker and Sewer Maintenance Worker.

64. Authorizing Finance Director to draw checks on the registers of November 20, November 26, and December 4, 2003; and to draw checks for bills of the Des Moines Municipal Housing

Agency for the weeks of November 17, November 24, and December 1, 2003; and to draw checks for biweekly payroll due on November 26, 2003.

ORDINANCES - FINAL CONSIDERATION

65. Amending Chapter 30 of the Municipal Code regarding licensing of and transaction fees for Pawnbrokers.

(A) Approving amendment to the Schedule of Fees.

66. 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), to allow development of a 47 unit elderly housing apartment building.

ORDINANCES - SECOND CONSIDERATION

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

(1) Two-way stop - East 17th Street at Garfield Avenue.

(2) Corner Clearance - south side of Wilmers Avenue, east of SE 3rd Street.

(3) Corner Clearance - south side of Rollins Avenue, east of 40th Place.

(4) Corner Clearance - north side of Capitol Avenue, east of East 21st Street.

68. On use and redevelopment of the downtown riverfront area between University Avenue and the confluence of the Des Moines and Raccoon Rivers:

(A) Enacting the new "D-R" Downtown Riverfront District regulations.

(B) Rezoning of the downtown riverfront area to the "D-R" Downtown Riverfront District.

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

ORDINANCES - FIRST CONSIDERATION

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

(1) Through Street Designation-Village Run Drive from the West Line of Brook View Drive to the East Line of East 52nd Street.

(2) Corner Clearance-East Side of Henry Street, South of Park Avenue.

(3) Corner Clearance-West Side of 15th Street, South of High Street.

70. Amending Chapter 114 of the Municipal Code to install stop signs for east/west traffic at SW 4th and Wall.

COUNCIL REQUESTS

71. From Council Member Hensley to discuss traffic at SW 9th and Virginia.

72. From Council Member Coleman regarding proposal to establish committee comprised of Des Moines City Council, Des Moines Parks Board, Polk County Supervisors and Polk County Conservation Board to review City and County Parks operations.

COMMUNICATIONS/REPORTS

73. From Natasha Bleimehl, on behalf of the Iowa State Crew Club, requesting to speak regarding a facility along the river for their equipment.

74. From Farmers Mutual Hail Insurance Company requesting letter of support to Iowa Department of Economic Development regarding their move from Des Moines to West Des Moines.

75. Request from neighbors in vicinity of Hoover High School (Meredith Neighborhood Association), to submit petition regarding speed limit and safety concerns on Aurora Avenue between Beaver and Merle Hay.

HEARINGS (Opened at _____ P.M.) (Items 76 thru 79)

76. On City's proposed 2004 HUD Consolidated Plan:

(A) Public Hearing and approval of the plan.

(B) Communication from Neighborhood Revitalization Board.

(C) Communication from Enterprise Community Steering Committee.

(D) Communication from The Primary Health Care-Outreach Project.

(E) Comprehensive Strategy Environmental Review Record, finding no significant impact on the environment and publishing Notice of Intent to request release of funds.

[\(Council Communication No. 03-532\)](#)

77. On application from TCK Development LLC, to rezone property at 2414, 2470 and 2540 E. Payton Avenue from "R1-80" (One-Family Residential) to "R1-70" (One-Family Low Density Residential), for subdivision of single-family residential lots.

(A) First consideration of ordinance above.

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

78. On proposed renaming of portions of E. First Street and E. River Drive from Locust to E. 6th Street, as "Robert D. Ray Drive".

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above, requires 6 votes.

79. On voluntary annexation of territory within the Historic Fort Des Moines area.

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

CITY MANAGER RECOMMENDATIONS

80. Regarding City/County collaborative risk management.

APPROVING

81. Receive and file Fair Market Value Policy for Commercial alley vacation and conveyance.

[\(Council Communication No. 03-545\)](#)

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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.

A G E N D A

BOARD OF HEALTH

November 17, 2003

MOTION TO CONVENE

AUTHORIZING

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

(A) 2419 Delaware Avenue (vacant), Titleholder: Jack O. Kramer and Judy K. Kramer Trust.

(B) 2244 Des Moines Street (vacant), Titleholder: Paul Levi; Mortgage Holder: Amerquest Mortgage Company; Tax Certificate Holder: Timothy Balin d/b/a Oak Park Investments Partnership XX.

(C) 1104 Fremont (vacant), Titleholder: Rising Homes, LC.

(D) 1405 Idaho, Titleholders: Melody M. Ries n/k/a Melody M. Ries-Housh and Charles Housh.

(E) 3632 Indianapolis (vacant), Titleholders: Edward E. McNeese and Anissa J. McNeese.

(F) 2253 SW 9th Street (vacant), Titleholder: Michael P. Anastasio.

(G) 1047 19th Street (vacant), Titleholder: Kingsway Cathedral.

MOTION TO ADJOURN AT _____ P.M.