

DES MOINES CITY COUNCIL MEETING

November 21, 2005 4:30 PM

I. CLOSED SESSION – 3:30 P.M.

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 20.17(3) of the Code of Iowa to discuss collective bargaining strategy.
- (C) Closed Session
- (D) Terminate closed session and reconvene in open session.
- (E) MOTION TO ADJOURN

RECOGNITIONS - 4:00 PM

Becky Morelock and Marilyn Staples.

Committee members for the Cultural and Entertainment Districts (CED) (East Village, Court Avenue, and Roosevelt Cultural District).

INVOCATION: Pastor Craig Robertson
Grant Park 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 52:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License applications for the following:

NEW APPLICATIONS

- | | | | |
|-----|---------------------|--------------------|--------|
| (A) | EL ARAGON
Liquor | 900 E ARMY POST RD | C |
| (B) | PAESANOS PIZZA | 2804 SW 9TH ST | B Wine |

RENEWAL APPLICATIONS

- | | | | |
|-----|--------------------------------------|---------------------|----------|
| (C) | CLUB 2000
Liquor | 422 INDIANOLA AVE | C |
| (D) | EL RODEO #2
Liquor | 1234 E EUCLID AVE | C |
| (E) | FIESTA CANCUN MEXICAN REST
Liquor | 5118 SE 14TH ST | C |
| (F) | HIGH LIFE LOUNGE
Liquor | 200 SW 2ND ST | C |
| (G) | KUM & GO #60 | 806 SE 14TH ST | C Beer |
| (H) | QUIKTRIP #541 | 2428 HUBBELL AVE | C Beer |
| (I) | ROYAL MILE
Liquor | 210 4TH ST | C |
| (J) | SKIPS | 4000 FLEUR DR | C Liquor |
| (K) | SUDSUCKERS
Liquor | 1511 E ARMY POST RD | C |
| (L) | VAUDEVILLE MEWS
Liquor | 212 4TH ST | C |

5. City Clerk to issue Cigarette Licenses.
6. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
- (A) 2006 Sanitary Sewer Televising Program - Receiving of bids, (12-20-05) and Setting date of hearing (1-9-06). (Construction Estimate - \$343,000).
- (B) Watson Powell Jr. Way Modifications – 2nd Avenue to 7th Street - Receiving of bids, (12-20-05) and Setting date of hearing (1-9-06). (Construction Estimate - \$196,070).

8. Approving professional services agreement with RDG Planning and Design for Principal Park Landscaping, \$26,000.

[\(Council Communication No. 05-665\)](#)

9. Approving Change Order No. 2 with Western Waterproofing of Michigan, LLC for additional work in the 5th & Walnut Parking Garage, not to exceed \$13,650.

[\(Council Communication No. 05-661\)](#)

10. Approving completion and recommending acceptance of the following private construction contracts:

- (A) Baker Electric, Inc. and Meredith Corporation Foundation for lighting improvements on American Discovery Trail.
- (B) Baker Electric, Inc. and Meredith Corporation Foundation for lighting improvements on Meredith Fleur Drive Multi-Use Trail.
- (C) Hansen Company, Inc. and Principal Life Insurance Company for floodwall improvements, east side of the Des Moines River from E. Grand Ave. to the Argonne Armory.

11. Accepting completed construction and approving final payment for the following:

- (A) SW 9th Street Culvert Repair at Luster Lane, The Underground Company, Ltd.
- (B) 15th Street and Woodland Avenue Traffic Calming, Jasper Construction Services.
- (C) Warren County Roadway Improvements Phase 1, Grimes Asphalt & Paving Corp.

12. Approving implementation of the Hickman Road Traffic Study recommendations.

[\(Council Communication No. 05-662\)](#)

13. Approving the following items for McKinley Avenue Sidewalk from Fleur Drive to 720 feet east.

- (A) Accepting completed construction and approving final payment, Castle Concrete Services, Inc.
 - (B) Accepting work and ordering preparation of plat and schedule of assessments.
 - (C) Adopting and levying final schedule of assessments and payment.
14. Rescind the previous approval of the following private construction contracts between McAninch Corporation and Three Lakes Townhomes:
- (A) Sanitary Sewer Improvements in Three Lakes Estates Plat 7, SE 30th Street and E. Army Post Road.
 - (B) Storm Sewer Improvements in Three Lakes Estates Plat 7, SE 30th Street and E. Army Post Road.
 - (C) Sanitary Sewer Improvements in Three Lakes Estates Plat 8, Brockway Drive and Lake Hill Drive.

SPECIAL ASSESSMENTS

15. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Public Works) for Schedule No. 2005-16.
16. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule No. 2005-17.
17. Approving deletion of NAC-Emergency Assessments at 2220 Garfield Avenue.
18. Approving the following:
- (A) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for October 2005.
 - (B) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for October 2005.

LAND/PROPERTY TRANSACTIONS

19. Establishing fair market value and authorizing acquisition of property adjoining 2741 Francis Drive for the Closes Creek Storm Water Improvement Project, \$28,300.

20. Reapproval of final plat for Woods on the River Plat 9.

[\(Council Communication No. 05-657\)](#)

21. Approving Tax Abatement Applications for additional value added by improvements made during 2005 for 141 properties.

[\(Council Communication No. 05-656\)](#)

22. Street name change from East Diehl Avenue to East Cutler Avenue in Easter Lake Estates Plat 7.

BOARDS/COMMISSIONS/NEIGHBORHOODS

23. Communication from Tom Turner, Human Resources Director, requesting Seat 6 on the Civil Service Commission be declared vacant.

24. Communications from the Chair of the Sister Cities Commission for the following:

(A) Requesting that Seat 11 on the Sister Cities Commission be declared vacant.

(B) Requesting that Dennis Kelly, Johnston's Commissioner, Seat 19 be declared vacant.

25. Communication from City of Ankeny appointing Monica Green as their representative to the Sister City Commission, Seat 20 for a five-year term commencing April 28, 2004 to expire April 28, 2009.

26. Communication from City of Windsor Heights to appoint Sara Demeulanacre Zadik as their representative to the Sister City Commission, Seat 8 for a five-year term commencing April 28, 2005 to expire April 28, 2010.
27. Designation of Ewing Woods-Evergreen Neighborhood Association as a recognized neighborhood association.

[\(Council Communication No. 05-660\)](#)

COMMUNICATIONS FROM PLAN AND ZONING

28. Regarding request from Ila McFarland, 1819 43rd Street, for vacation and conveyance of the adjoining north/south alley right-of-way known as Hazelwood extending south of Franklin Avenue between 41st Street and 43rd Street.
29. Recommendation from Plan & Zoning Commission regarding Petition to expand the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID).
 - (A) Setting date of hearing on above, (12-19-05).

[\(Council Communication No. 05-673\)](#)

SETTING DATE OF HEARINGS

30. On vacation and conveyance of Webster Street, north of Hillside Avenue and east/west alley between South Union and previously vacated Webster Street, north of Hillside Avenue and conveyance of previously vacated Webster Street, north of Hillside Avenue, (12-5-05).
31. On vacation and conveyance of north/south alley between 23rd Street and 24th Street extending 528 feet south from Lincoln Avenue to Dewayne D. and Vonda K. Rohrer, \$275, (12-5-05).

[\(Council Communication No. 05-663\)](#)

[\(Council Communication No. 05-642\)](#)

- ~~32. On City initiated request to rezone property proposed for annexation at 4215 NE 46th Street in Polk County from "A-1" (Agricultural) to "PUD" (Planned Unit~~

~~Development) to allow property to be incorporated into approved Summerfield “PUD” conceptual plan for single family residential development by Hubbell Properties II LC, of adjoining property to the north, subject to conditions, (12-5-05).~~

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

33. Approving an additional payment of \$391.25 to Austin Higby and \$511.46 to Enterprise-Rent-A-Car for an auto accident.

34. Approving Kathleen A. Vanderpool as Deputy City Attorney effective November 21, 2005.

CITY MANAGER COMMUNICATIONS

35. Submitting traffic regulation changes as follows:
 - (A) Petition for One-Sided Parking Restriction-Crestmoor Drive between Bel-Aire Road and 50th Street.

 - (B) Request to remove Two-Sided Parking Restriction-Wolcott Avenue between SW 30th and SW 31st Streets.

[\(Council Communication No. 05-645\)](#)

36. Regarding preliminary terms of economic development agreement with Striggles Legacy II, LLC for redevelopment of former Meadow Gold site, 1719 Grand Avenue.

[\(Council Communication No. 05-644\)](#)

- (A) Setting date of hearing on vacation and conveyance of a portion of City-owned Ingersoll Avenue right-of-way between 17th Street and 18th Street and the east/west alley between Ingersoll Avenue and Grand Avenue from 17th to 18th Street, Striggles Legacy II, LC, \$2,000, (12-5-05).

APPROVING

37. Submission of a \$125,000 grant request to Polk County Housing Trust Fund for the City's' Owner-Occupied Housing Rehabilitation Loan program for a pilot program for Interim Lead-Based Paint Control.

[\(Council Communication No. 05-654\)](#)

38. A \$250,000 grant request to the Polk County Housing Trust Fund for the City of Des Moines Emergency Repair Loan Program.

[\(Council Communication No. 05-655\)](#)

39. Urban Renewal Development Agreement and Brownfields Cleanup Revolving Loan Fund ("BCRLF") Agreement with Hubbell Realty Company and Hubbell Terminal Corporation for the redevelopment of a portion of the Riverpoint West area.

[\(Council Communication No. 05-674\)](#)

40. Regarding future recommendation to acquire property at 1350 Tuttle Street, within the Metro Center Urban Renewal Area for redevelopment of Riverpoint West.

[\(Council Communication No. 05-658\)](#)

41. Lease agreement with Kitchen Restaurants, LLC for a patio and sidewalk café adjacent to Star Bar, 2811 Ingersoll Avenue.

[\(Council Communication No. 05-653\)](#)

42. Allocation of \$1,000 Silver James C. Howland Award for Municipal Enrichment to Des Moines Neighbors for use in beautification efforts in Des Moines.

[\(Council Communication No. 05-652\)](#)

43. Police Department to participate with U.S. Department of Homeland Security and Office of Domestic Preparedness Funding to purchase equipment to be used by the Police Department, \$96,230.30.

[\(Council Communication No. 05-643\)](#)

44. Amended Declaration of Covenants for Saylorville Business Park Urban Renewal Area in unincorporated Polk County at southeast corner of NE 14th Street and NE 58th Avenue.
45. Amendment and renewal of Seat Management Contract with Public Technology, Inc. and L-3 Government Services to provide technology services.

[\(Council Communication No. 05-671\)](#)

46. Communication from Downtown Community Alliance requesting approval on behalf of Meredith Corporation to approve banner design for seven banners in downtown on Locust Street during winter 2005/2006.
47. Receipt of communication from Downtown Community Alliance requesting approval of Goals and Guiding Principles and general land-use plan for Western Gateway area.
48. Bids from the following:
 - (A) Skold Door Company for annual contract with two (2) additional one-year renewals to furnish overhead door repair services for various operating departments, \$42,000. (Six bids mailed, four received).
 - (B) Turfwerks for one utility tractor to be used by the Horticulture Division of the Park & Recreation Department, \$40,500. (Seven bids mailed, four received).
49. Civil Service Entrance List for Housing Services Maintenance Mechanic B.
50. Authorizing Finance Director to draw checks on the registers of November 23, 2005 and December 1, 2005; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 21, 2005 and November 28, 2005; and to draw checks for biweekly payroll due November 23, 2005.

ORDINANCES - FINAL CONSIDERATION

51. Vacating a strip of street right-of-way from the north side of Ingersoll Avenue adjoining 2811 Ingersoll Avenue.

ORDINANCES - SECOND CONSIDERATION

- 52. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
 - (A) NEW Administrative process for corner clearance parking restrictions up to 150 feet.
 - (B) Corner Clearance Extension-North side of Arthur Avenue, east of E. 14th Street.
 - (C) Corner Clearance – South side of Chamberlain Drive, west of 45th Place.

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

ORDINANCES - FIRST CONSIDERATION

- 53. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Parking Restriction- Both sides of Carr Street from E. 32nd Street to E. 34th Street.
 - (B) Realignment of Existing Parking Meters, Loading Zone and Resident Permit Parking Area – 13th Street between Locust and Grand Avenue.
 - (C) Realignment of Existing Parking Meters- Locust Street between 9th Street and 10th Street.

COMMUNICATIONS/REPORTS

- 54. From Curtis and Laurie Linhart, Segway of Central Iowa, to speak regarding opening a business that offers tours of Downtown Des Moines utilizing the two-wheeled upright personal transport device known as the Segway.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 55 THRU 67)

- 55. On appeal from Andrea Frazier, 2701 SW 12th Street, regarding Administrative Hearing Officer’s decision on declaration of dangerous animal.

56. On proposed Second Year Action Plan (2006) for the 2005-2009 HUD Consolidated Plan.

[\(Council Communication No. 05-651\)](#)

- (A) Recommendation of the Neighborhood Revitalization Board.
- (B) Communication from Excel Community Outreach Center.

57. On application for Voluntary Annexation, including some land without owners' consent, from Norman R. Havel and the Patricia A. Havel Family Trust, seeking annexation of approximately 130 acres of land north of NE 38th Avenue (E. Douglas) between NE 48th Street and Highway 65, (continued from November 7, 2005).

[\(Council Communication No. 05-672\)](#)

58. On conveyance of property east of and adjacent to 3523 University Avenue to University Terrace Cooperative Housing, \$1,162.50.

[\(Council Communication No. 05-667\)](#)

59. On vacation and conveyance of subsurface rights in right-of-way adjoining 417 6th Avenue to Better Foods, Inc. and Casson's Market, Inc., \$1,000.

[\(Council Communication No. 05-670\)](#)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, waiver requested by applicant, requires six votes.

60. On vacation and conveyance of dead-end segment of SW 59th Street, running south of Tonka Avenue to R. M. Madden Construction, Inc., \$300.

[\(Council Communication No. 05-668\)](#)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, waiver requested by applicant, requires six votes.

61. On request from Robert and Beverly Merkle to rezone property proposed for annexation in the vicinity of 5219 NE 38th Avenue in Polk County from "A-1"

(Agricultural) and “PUD” (Planned Unit Development) to “R1-80” (One Family Residential).

(A) Communication from Plan & Zoning Commission.

(B) First consideration of ordinance above.

(C) Final consideration of ordinance above, (waiver requested by applicant), requires six votes.

62. On request from Carlos Zamora to rezone property at 1126 21st Street from “R1-60” (One-Family Low Density Residential) to “R-3” (Multiple Family Residential) to allow for development of a multiple-family dwelling. (Recommendation from Plan & Zoning to **DENY**).

63. On request from Sith MacVilay to rezone 1140 & 1128 East 9th Street and 824, 826, & 832 Filmore Street from limited “C-1” (Neighborhood Retail Commercial) and “C-2” (General Retail and Highway Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow for development of pedestrian oriented commercial center.

(A) First consideration of ordinance above.

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

64. On release of no-build restriction at 5821 Winona Avenue to Gordon Pralle, \$3,400.

[\(Council Communication No. 05-669\)](#)

65. On 2006 Sanitary Sewer Repair Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as The Underground Company, Ltd. (Duane Burkhardt, President), \$71,000.

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

66. On Principal Park Stadium Lighting: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Electrical Contractors, LLC. (W. Dave Ward, President), \$244,859.

- (A) Approving contract and bond.
67. On items regarding application of Tai Village, Inc., (Leunh Baccam, President) and Savannah Homes, Inc. (Ted Grobe, President) for annexation and rezoning of land located east of Lower Beaver Road at eastern end of Bel Aire Road and Twana and Valdez Drives (Continued from November 7, 2005):
- (A) Amendment to Des Moines 2020 Community Character Land Use Plan to designate land as Low Density Residential.
- (B) Resolution closing hearing on proposed rezoning and approving rezoning of land from “A-1” (Agricultural) to “PUD” (Planned Unit Development) and approving “PUD” conceptual plan for single-family residential development. (Requires 4/5th vote of Council for passage).
- (C) First consideration of ordinance above. (Requires 4/5th vote of Council for passage).
- (D) Final consideration of ordinance above, (waiver requested by developer), (Requires 4/5th vote of Council for passage).
- (E) Resolution closing hearing on proposed annexation.
- (F) Request to speak from Dana Fedman, 3227 Hillcrest Drive, regarding Savannah Homes/Sawyer’s Landing annexation of area and “PUD”.

** END HEARINGS AT _____ PM**

APPROVING

68. Items regarding the Fleur Trail Connector:
- (A) Resolution to REJECT all bids.
- (B) ALTERNATE Resolution to defer action to December 5, 2005.

69. Items regarding Metropolitan Medical Response System (MMRS) grant from State of Iowa Homeland Security and Emergency Management:

(A) Three year lease agreement with HPM Investments, Inc. for space at Park Fair Mall adjacent to emergency operation center to install a 125 kilowatt emergency generator.

(B) Agreement with Grand View College for installation, transfer and maintenance of 500 kilowatt emergency generator to be used upon request of Polk County Emergency Management Commission.

[\(Council Communication No. 05-664\)](#)

(C) Emergency Operations Centers Standby Power, designating lowest responsible bidder and approving contract and bond with ABC Electrical Contractors, LLC (W. Dave Ward, President/CEO), \$233,315.

70. Issuance of Request for Proposals to solicit provider for operation of City of Des Moines Fleet Services parts function.

[\(Council Communication No. 05-659\)](#)

71. 28E Agreement with Des Moines Metropolitan Wastewater Reclamation Authority and MidAmerican Energy for joint construction of Stage 2 of Des Moines River Outfall & Overflow Sewer, Certain City Riverwalk Improvements and MidAmerican Energy Company Electrical Duct Bank along the west bank of the Des Moines River.

[\(Council Communication No. 05-666\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:

(A) 453 E. Hillside Avenue, Titleholder: Michael B. Garcia; Mortgage Holder: 310 Community Credit Union.

(B) 1908 Williams Street, Titleholder: US Bank.

(C) 5602 SW 9th Street (garage), Titleholder: Arthur D. Alber.

(D) 841 17th Street, Titleholder: Vaundene Wells.

- (E) 1320 21st Street, Titleholder: Basim Al-Bakri.
- (F) 900 E. 27th Court, Titleholders: Robert Siddens and Crystal R. Siddens.

2. The Engineering Department to cause the removal of the structure at the following locations:

- (A) 2100 Capitol (garage), Titleholder: Bernice Jay.
- (B) 1328 21st Street, Titleholder: Steven C. Christensen.

MOTION TO ADJOURN AT _____ P.M.

All-America City
1949 1976 1981 2003