

**DES MOINES CITY COUNCIL MEETING**

**July 26, 2004 4:30 PM**

**PROCLAMATIONS (4:15 PM)**

Korn Patch Klowns  
National Night Out

**INVOCATION:** Pastor Amy Miracle  
Westminister Presbyterian 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 63:

**LICENSES AND PERMITS**

- 4. Approving the following applications for Alcoholic Beverage Licenses:

**NEW APPLICATIONS**

(A)	WINE & CHEESE GARDEN Wine	3000 E GRAND AVE	C Native
-----	------------------------------	------------------	----------

**RENEWAL APPLICATIONS**

(B)	AMANAS ON THE HILL	3000 E GRAND AVE	B Beer
(C)	DRAGON HOUSE EAST Liquor	2470 E EUCLID AVENUE	C
(D)	DRAKE UNIVERSITY Liquor	2875 UNIVERSITY AVE	C
(E)	LATIN KING RESTAURANT Liquor	2200 HUBBELL AVE	C
(F)	LOS COMPADRES Liquor	1440 MAURY ST	C

(G)	MICHAELS RESTAURANT & LOUNGE	4041 URBAN DALE AVE	C
	Liquor		
(H)	NE 14 <sup>TH</sup> HANDIMART	5150 NE 14TH STREET	C Beer
(I)	OLD WEST BARBEQUE	3000 E GRAND AVE	B
	Beer		
(J)	QUIKTRIP #523	850 ARMY POST RD	C Beer

### OUTDOOR SERVICE APPLICATIONS

- (K) MICHAELS RESTAURANT & LOUNGE 4041 URBANDALE AVE C Liquor  
Temporary Outdoor Service Area in conjunction with Beaverdale Fall  
Festival on September 17, 18 and 19, 2004.
- (L) RACCOON RIVER BREWING CO. 200 10TH ST C  
Liquor  
Outdoor Service Area in conjunction with event on August 14 and 15,  
2004. Pending approval of Building Department.

### SPECIAL EVENTS APPLICATIONS

- (M) SHIE CONCESSION 3000 E GRAND AVE B Beer  
Fourteen-Day Class B Beer License for the Miller Tent at the Iowa State  
Fair from August 12, 2004 to August 25, 2004.

5. City Clerk to issue Cigarette Licenses.

### PUBLIC IMPROVEMENTS

6. Ordering construction of the following:
- (A) 44<sup>th</sup> Street and Forest Avenue Sewer Separation – Receiving of  
bids, (8-10-04), Setting date of hearing (8-23-04), (Construction  
estimate - \$178,000).
- (B) Clark Street – 27<sup>th</sup> to 29<sup>th</sup> Streets Storm Sewer Improvements -  
Receiving of bids, (8-10-04), Setting date of hearing (8-23-04),  
(Construction estimate - \$768,000).
- (C) Douglas Avenue Intersection Improvements - Receiving of bids,  
(8-10-04), Setting date of hearing (8-23-04), (Construction  
estimate - \$75,000).
7. Approving and authorizing the execution of a professional services  
agreement with Herbert Lewis Kruse Blunck Architecture, LTD (HLKB)  
in conjunction with Skywalk 8Da, \$68,600.

[\(Council Communication No. 04-364\)](#)

8. Approving and authorizing the execution of Iowa Department of  
Transportation preconstruction agreement for E 16<sup>th</sup> Street – Walker Street  
Noise Wall.

[\(Council Communication No. 04-370\)](#)

9. Approving execution and submission of revised application to obtain  
release of previously approved grant funds from Environmental Protection  
Agency (EPA) for lining of sanitary sewers.

(Council Communication No. 04-367)

10. Acknowledging completion and accepting completed construction on the following private construction contracts:

- (A) Street Improvements in the amount of \$46,455 for Monroe Elementary School drop-off lane at 2250 30<sup>th</sup> Street between Concrete Technologies, Inc. and Des Moines Independent Community School District.
- (B) Street Improvements in the amount of \$15,500 for access to Splish Splash Car Wash, 426 E. Army Post Road between Septagon Construction Co., and Dave Jurgenson.
- (C) Street Improvements in the amount of \$32,301.50 for parking modifications along SW 14<sup>th</sup> Street at 5001 SW 14<sup>th</sup> Street between Grimes Asphalt & Paving Corp. and Des Moines Independent Community School District.
- (D) Storm Sewer Intake Improvements in the amount of \$7,622.65 for intake in west curb of SW 9<sup>th</sup> Street between Wade Street and Amos Avenue between Chas. W. Goering, Inc., and Des Moines Public Schools.
- (E) Storm Sewer Improvements in the amount of \$2,400 for installation of storm sewer manhole on SW 10<sup>th</sup> between Army Post Road and Leland Avenue between Rhiner Brothers Plumbing and Munro Construction Company.
- (F) Storm Sewer Improvements in the amount of \$5,000 for storm sewer intake and piping to connect existing storm sewers to east side of Hubbell Avenue between Munro Construction Co. and Harald Lamberts.
- (G) Sanitary Sewer Improvements in the amount of \$3,000 for installation on sanitary sewer manhole at Oakmoor Racquetball and Health Center, 4731 Merle Hay Road.
- (H) Street Improvements in the amount of \$25,900 for Central Presbyterian Church drop-off lane and sidewalk at 3829 Grand Avenue between Graham Construction Co. and Central Presbyterian Church.

11. Approving Private Construction Contracts for the following:

- (A) Sanitary Sewer Improvements in Three Lakes Estates Plat 6 between Van Hauen & Associates, Inc. and Erickson Development, Inc.

(B) Storm Sewer Improvements in Three Lakes Estates Plat 6  
between Van Hauen & Associates and Erickson Development, Inc.

- (C) Storm Sewer Improvements at 412 E. Locust Street between Central Iowa Mechanical and East Village Partners, LLC by SoHo Development, LLC.
12. Accepting completed construction and approving final payment for the following:
- (A) Aquatic Center Shade Structures, Johnson Concrete & Petroleum Const. Inc.
  - (B) 2004 Sanitary Sewer Televising Program Contract 1, Hydro-Klean, Inc.
13. Authorization to proceed with construction of Sidewalk Program/Request to Repair Driveway Petition and Waiver forms executed by two property owners.

#### **SPECIAL ASSESSMENTS**

14. Approving deletion of Special Assessments at 1524 – 19<sup>th</sup> Street, Schedule No. 2004-06.
15. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:
- (A) Schedule No. 2004-09.
  - (B) Schedule No. 2004-29.
  - (C) Schedule No. 2004-56.
  - (D) Schedule No. 2004-78.

#### **LAND/PROPERTY TRANSACTIONS**

16. Approve and accept real estate documents for property at 3300 Indianola Avenue for the SE 14<sup>th</sup> Street and Indianola Avenue Intersection Improvement Project, \$7,000 plus closing costs.
17. Approve and accept real estate documents for property at 1440 Stewart Avenue, \$0 plus closing costs.

18. Approve and accept real estate documents for property at 1415 College Avenue, \$0 plus closing costs.



19. Approve and accept real estate documents for property at 1309 Locust Street and 1324 Grand Avenue for the Western Gateway Project, \$321,000 plus closing costs.
  
20. Approving Assignment of Tax Sale Certificates for the following:
  - (A) 1800 – 7<sup>th</sup> Street to Community Housing Development Corporation.
  - (B) 1543 – 9<sup>th</sup> Street & 409 Franklin to Just Right Homes, Inc.
  - (C) 814 – 29<sup>th</sup> Street & 922 – 24<sup>th</sup> Street to S & G Real Estate Investments, Inc.

[\(Council Communication No. 04-376\)](#)

21. Proposal from Erickson Development and Three Lakes Neighborhood Association for landscaping improvements and maintenance in vicinity of the Three Lakes Parkway dam.

[\(Council Communication No. 04-380\)](#)

22. Approving Tax Abatement Application for property at 2405 E. Glenwood Drive for improvements made during 2003.

[\(Council Communication No. 04-361\)](#)

23. Approving subdivision plat entitled MARY ESTEL ACRES located in the vicinity of SE 33<sup>rd</sup> Street, west of SE 34<sup>th</sup> Street, and north of Scott Avenue.

[\(Council Communication No. 04-362\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

24. Recommendation of Council Member Christine Hensley to appoint Jeffrey K. Clayton to Zoning Board of Adjustment to fill unexpired term of Michael Kiernan (Seat #6) for a five-year term commencing April 3, 2001 to expire April 3, 2006.

25. Communication from Deloris Groves advising of her resignation from the Skywalk Committee (Seat #1) effective immediately.

26. Communication from Connie Boesen advising of her resignation from the Board of Library Trustees (Seat #1) effective immediately.

#### **COMMUNICATIONS FROM PLANNING AND ZONING**

27. Regarding the “S-O” Study Overlay District for the Four Mile Creek floodplain.
28. Regarding request from Edward Lint for vacation and conveyance of an undeveloped segment of 24<sup>th</sup> Place between a point 330’ north of College Avenue and 24<sup>th</sup> Street, subject to the provision of utility easements.
29. Regarding request from David Van Rossum for vacation and conveyance of the north/south alley from Thompson Avenue to East Jefferson Avenue between East 24<sup>th</sup> Street and Lay Street, subject to conditions.
30. Regarding request from Fred Brewton for vacation and conveyance of the north/south alley from East Ovid Avenue to East Tiffin Avenue between Amherst Street and North Union Street, subject to conditions.
31. Regarding request from Walden Point, L.P. for vacation and conveyance of the north/south alley from University Avenue to Indiana Avenue between 4<sup>th</sup> Street and 5<sup>th</sup> Avenue, subject to conditions.
32. Regarding request from Tamra Means for vacation and conveyance of the north/south alley from Thornton Avenue to Rose Avenue between SW 3<sup>rd</sup> Street and SW 4<sup>th</sup> Street, subject to conditions.

#### **SETTING DATE OF HEARINGS**

33. On request from Denny Murray Cars Inc. to rezone 2501 E. University Avenue from “C-1” (Neighborhood Retail Commercial District) to “C-2” (General Retail and Highway Oriented Commercial District). (City Plan and Zoning Commission recommends **DENIAL**), (8-9-04).
34. On request from Beth Rohwedder, 3011 Fox Hollow Circle, to amend the “R-6” Preliminary Development Plan for Park at Southern Hills and the Final Development Plan for Sanctuary at Southern Hills to allow a 14’ X

13' enclosed porch addition and a 13'-3" X 14' open deck to north side of townhome, (8-9-04).

35. On request from Walden Point, L.P. to rezone property at 1200 4<sup>th</sup> Street from “R1-60” (One-Family Low-Density Residential District) and “NPC” (Neighborhood Pedestrian Commercial District) to “PUD” (Planned Unit Development District) and to approve a “PUD” conceptual plan to allow for 60 dwelling units of affordable assisted living apartments, (8-9-04).
36. On conveyance of north/south alley right-of-way between Granger Avenue and Dunham Avenue and between Indianola Road and South Union Street to Chad Ogle, \$1,300, (8-9-04).
37. On execution of 50-year lease with Nelson Development LLC for the construction of a privately owned parking structure available for public use, (9-13-04).

[\(Council Communication No. 04-381\)](#)

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

38. Approving payment of \$17,282 to Richard Klein for payment of workers’ compensation benefits for permanent injury sustained during course and scope of employment.
39. Approving payment of \$1,924.84 to Melvin McGinnis and Steven P. Brick, his attorney, and \$4,764 to Steven McGinnis and Steven P. Brick, his attorney for settlement of civil lawsuit. (Total \$6,688.84).
40. Approving payment of \$4,184.27 to Service Master West, and \$2,806.19 to Kent Lehs as a result of sewer backup at 7614 SW 11<sup>th</sup> Street on March 26, 2004. (Total \$6,990.46).
41. Approving payment of \$5,750 to Safeco Insurance Company as Subrogee of Mary K. Avise for sewer backup at her residence at 1407 Cummins Parkway on May 24, 2004.
42. Approving payment of \$486 to Sullivan & Ward, P.C. for assistance in matters pertaining to the National Pollution Discharge Elimination System Permit (NPDES) and environmental issues in lease and use agreements.
43. Approving payment of \$4,795.75 to Ahlers & Cooney, P.C. for legal services on various issues regarding the Des Moines International Airport.



## **CITY MANAGER COMMUNICATIONS**

44. Submitting out-of-state travel requests for Mark Wessels, Michael Matthes, Kandi Reindl, and Tansy Hayward.

[\(Council Communication No. 04-355\)](#)

45. Submitting various traffic regulation changes as follows:

- (A) Parking Restrictions to include newly constructed areas of Sweetwater Drive.
- (B) Parking Restriction-East Side of SW 38<sup>th</sup> Place from Park Avenue North to and including the cul-de-sac.

[\(Council Communication No. 04-365\)](#)

## **APPROVING**

46. State of Iowa Community Economic Betterment Account (CEBA) Award Contract with Protocol Driven Healthcare, Inc.

[\(Council Communication No. 04-382\)](#)

47. Preliminary approval for a Neighborhood Commercial Revitalization Program Loan for \$65,000 for renovations to 412, 414 and 416 East Fifth Street.

[\(Council Communication No. 04-379\)](#)

48. Lease of Skywalk Corridor Display Cases to Downtown Community Alliance, Inc.

49. Phase II of the Americans with Disabilities Act (ADA) Transition Plan for City of Des Moines' public facilities.

[\(Council Communication No. 04-375\)](#)

50. Permanent closure of Vehicular passageway known as Riverside Drive from Court Avenue to SW Water Street.

[\(Council Communication No. 04-363\)](#)

51. Authorizing \$3 million payment to Polk County on or before July 31, 2004 for the construction and funding of the Iowa Events Center Project including construction of the Third Street realignment project in accordance with the 28E Agreement.

[\(Council Communication No. 04-371\)](#)

52. Preliminary terms of agreement with Neighborhood Investment Corporation (Robert Mickle, President) for the redevelopment of the proposed East Village Square Development in the vicinity of 400 East Fourth Street.

[\(Council Communication No. 04-360\)](#)

53. Proposed amendments to the “Architectural Guidelines for New Construction in Des Moines’ Historic Districts” and “Fence Guidelines for Des Moines’ Historic Districts.”

[\(Council Communication No. 04-374\)](#)

54. Subordination Agreement with Iowa State Bank for Tursi’s Latin King Restaurant.

[\(Council Communication No. 04-378\)](#)

55. Resolution to waive Central Place Urban Renewal Plan minimum employment requirement for Disposition Parcel No. 16a (36 Clark Street).

[\(Council Communication No. 04-372\)](#)

56. Resolution in support of E911 surcharge.

[\(Council Communication No. 04-357\)](#)

57. Communications Interoperability Grant Application to Department of Justice for use in improvement of communication interoperability between police, fire and emergency medical service agencies.

[\(Council Communication No. 04-377\)](#)

58. Acceptance of a Polk County Housing Trust Fund Grant for the development of four affordable single-family infill houses in the King Irving Neighborhood and authorizing City Manager to sign the Grant Agreement.



(Council Communication No. 04-359)

59. \$10,000 contribution from Storm Water Utility to Metro Waste Authority to assist with collaborative approach to public education encouraging storm water best management practices.

[\(Council Communication No. 04-368\)](#)

60. Bids from the following:
- (A) O'Halloran International for a truck mounted aerial manlift to be used by the Public Works Department, \$106,972. (Twelve bids mailed, eight received).
  - (B) Medtronic Physio-Control Corp. (sole area wide distributor) for defibrillators compatible with existing equipment to be used by the Fire Department, \$26,800.

[\(Council Communication No. 04-356\)](#)

- (C) O'Halloran International for two 56,000 GVW trucks to be used by the Public Works Department, \$183,212. (Nine bids mailed, four received).
61. Civil Service Entrance List for Plumbing Specialist, and Promotional Lists for Medium Equipment Operator, Fats, Oils & Grease (FOG) Program Coordinator, and Senior Police Officer.
62. Authorizing the Finance Director to draw checks for the registers of July 29 and August 5, 2004; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of July 26 and August 2, 2004 and to draw checks for biweekly payroll on August 6, 2004.

**ORDINANCES - FINAL CONSIDERATION**

63. On vacation of the dead-end portion of the north/south alley, north of E. Ovid Avenue between Cornell and Columbia Streets.

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

## **ORDINANCES - FIRST CONSIDERATION**

64. Amending Chapter 94 of the Municipal Code regarding stormwater management assessment subsidy credits.

[\(Council Communication No. 04-366\)](#)

- (A) Final consideration of ordinance above, (waiver requested by WRA), requires 6 votes.
65. Amending Chapter 22 of the Municipal Code regarding powers and responsibilities of the Des Moines International Airport Board.
66. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows:
- (A) Corner Clearance – east side of E. 18<sup>th</sup> Street, north of Easton Boulevard.
- (B) Corner Clearance – west side of Ure Street, north of E. University Avenue.
- (C) Corner Clearance – south side of Kirkwood Avenue, west of South Union Street.
- (D) Additional Metered Parking Spaces – south side of Walnut Street, east of 15<sup>th</sup> Street.

## **COMMUNICATIONS/REPORTS**

67. From Tyler Uetz, 2005 Forest Avenue, regarding an update from Citizens for Community Improvement on acquisition of Principal Residential Mortgage.
68. From John Christensen, 3400 Iola Avenue, to speak regarding speeding between the 3100 and 3500 block of Iola Avenue.
69. From Kathleen McQuillen, American Friends Service Committee, 4211 Grand Avenue, to speak regarding the USA Patriot Act.

## **APPROVING**

70. Consideration of gaming proposal.

## **HEARINGS (Open at \_\_\_\_\_ PM) (Items 71 thru 76)**

71. On Zoning Ordinance text amendments to establish a new “GGP” (Gambling Games Prohibition Overlay District), applicable to a specified portion of the City bounded generally by Euclid Avenue and E. Euclid Avenue on the north, Park Avenue and E. Park Avenue on the South, E. 14<sup>th</sup> Street and SE 14<sup>th</sup> Street on the east, and M.L. King Jr. Parkway, 18<sup>th</sup> Street and Fleur Drive on the west.
- (A) First consideration of ordinance above.
  - (B) Final consideration of ordinance above, (waiver requested by Council Member Hensley), requires 6 votes.
72. On the following “PSO” (Pedestrian Oriented Sign Overlay District) items:
- (A) Amendments to the Zoning Ordinance text to establish a new “PSO” (Pedestrian Oriented Sign Overlay District), to regulate the permitted type, size and location for signs on property.
  - (B) First consideration of ordinance above.
  - (C) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.
  - (D) City-initiated request to rezone property generally bounded by Des Moines Street on the north, E. Court Avenue on the south, E. 7<sup>th</sup> Street on the east and E. 2<sup>nd</sup> Street on the west, to impose the “PSO”, in addition to the existing underlying zoning district regulations.
  - (E) First consideration of ordinance above.
  - (F) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.
73. On vacation and conveyance of the east/west and north/south alleys between Arthur Avenue and E. Holcomb Avenue, west of Saylor Road, to Frank T. and Deborah L. Pierce, \$125.
- (A) First consideration of ordinance above.

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

74. On vacation of north/south alley right-of-way between Granger Avenue and Dunham and between Indianola Road and South Union.
- (A) First consideration of ordinance above.
  - (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
75. On conveyance of property at 907 SW 62<sup>nd</sup> Street to Robert J. and Bonnie M. Netteland, \$5,576.
76. On Drainage Improvements Behind 201 E. Grand Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Castle Concrete Services, Inc. (Anthony Castellano, President, Johnston), \$20,422.50.
- (A) Approving contract and bond.

END HEARINGS AT \_\_\_\_\_ PM

## **BOARD OF HEALTH**

### **MOTION TO CONVENE.**

### **AUTHORIZING**

1. Court authority to abate the public nuisance at the following locations:
  - (A) 2338 SW 9<sup>th</sup> Street (attached garage), Titleholders: Scott E. and Stephanie A. Thomas; Mortgage Holder: Associates Home Equity Services.
  - (B) 2414 SW 9<sup>th</sup> Street, Titleholders: Scott E. and Stephanie A. Thomas; Mortgage Holder: NCS Mortgage Services, LLC.
  - (C) 1175 9<sup>th</sup> Street, Titleholder: Melvin Brooks.
  - (D) 800 24<sup>th</sup> Street, Titleholder: The Estate of Marvin H. Thomas.
  - (E) 2108 32<sup>nd</sup> Street (garage), Titleholder: Rosa Hutchinson; Mortgage Holders: Financial Plus Credit Union and Wells Fargo Bank Iowa National Association.
  - (F) 1002 40<sup>th</sup> Street, Titleholders: Jack A. and Mary Jo Stuart; Mortgage Holder: U.S. Bank National Association.



- (G) 1350 Hutton Street, Titleholder: Terry W. McKeny.
- (H) 2934 E. Euclid Avenue, Titleholder: Steven P. Warner; Mortgage Holder: McAfee Mortgage & Investment Company, a Texas Corporation.

MOTION TO ADJOURN AT \_\_\_\_\_ P.M.

View City Council agendas online at [www.dmgov.org](http://www.dmgov.org)



All-America City  
1949 1976 1981 2003