

DES MOINES CITY COUNCIL MEETING

October 21, 2002 4:30 P.M.

PROCLAMATIONS - 4:15 P.M.:

Community and Regional Planning Day

SPECIAL PRESENTATIONS - 4:30 P.M.:

Presentation of the Boy Scout Lifesaving Medal to Chris Porter

INVOCATION: Pastor Claude Jones, Douglas Avenue 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 46:

LICENSES AND PERMITS:

Approving

4. The following Beer/Liquor Applications:

RENEWAL APPLICATIONS

(1) Dahls Foods, 4343 Merle Hay Rd., C Beer.

(2) Petropointe on Second, 1501 2nd Avenue, C Beer.

(3) Arirang Restaurant, 5514 Douglas Avenue, C Beer/Wine.

(4) Blazing Saddle, 416 E 5th Street, C Liquor.

- (5) Crossroads, 625 E Court Avenue, C Liquor.
- (6) Dallys Pub and Emporium, 430 E Locust Street, C Liquor.
- (7) Ellis Island Tap, 1833 Hubbell Avenue, C Liquor.
- (8) Ibiza, 101 4th Street, C Liquor.
- (9) Los Primos Bar & Grill, 3800 Merle Hay Rd., C Liquor.
- (10) Dahls Foods, 4343 Merle Hay Rd., B Wine.

TRANSFER TO NEW LOCATION

- (11) A Dong Restaurant, 1511 High Street, B Beer. Permanent transfer of Class B Beer License from 1905 Cottage Grove to 1511 High Street effective October 28, 2002. Pending Building and Fire inspections.
- (12) Cooneys Tavern, 3708 Beaver Avenue, C Liquor. Permanent transfer of Class C Liquor License from 3719 Beaver Avenue to 3708 Beaver Avenue effective October 24, 2002. Pending Building and Electrical inspections.

SPECIAL EVENT APPLICATION

- (13) Hy Vee, 1100 Grand Avenue. Class C Beer/Wine 5 Day License for Library Groundbreaking Ceremony October 25 and 26, 2002. Pending Building inspection.

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

PUBLIC IMPROVEMENTS

7. Joint Funding Agreement, (City of Des Moines and West Des Moines, and Des Moines Water Works) for 2002/2003 between the U.S. Geological Survey, and U.S. Department of Interior, provides for operating and maintenance of six river and stream gaging stations.

(Council Communication No. 02-548)

8. Resolution Ordering Construction of Blank Park Zoo Miniature Train Track Replacement, Receiving of Bids, (11-05-02), and Setting Date of Hearing, (11-18-02). (Construction Estimate - \$308,000).
9. Approving contract and bond, and permission to sublet for a Public Improvement, estimated cost of which is less than \$25,000 - Fleet Maintenance Door Renovation.

10. Authorizing the Engineering Department to execute a Paving or Curb Replacement Program/Request to Repair Driveway Petition and Waiver Form signed by one property owner.

11. Approving private construction contract between Corell Contractor, Inc. (Steve Corell, President, WDM, contractor) and MidAmerican Energy Company (Greg Abel, President, MEHC, Pleasant Hill, owner) for construction of Sanitary Sewer Improvements on Carlisle Rd. at SE 43rd Street, \$106,995.50.

12. Approving partial payments on twenty-two (22) public improvement projects. (Call City Clerk's Office for listing).

12-I Approving private construction contract between Sternquist Construction, Inc. (Britt Sternquist, President, Indianola, contractor) and Brook Run L.C. (Tom Gratias, President, Clive, owner) for construction of Street Improvements for the proposed subdivision Brook Run Village Plat 8, \$115,183.50.

SPECIAL ASSESSMENTS

13. Levying Assessments for Costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:

(A) Schedule No. 2002-09.

(B) Schedule No. 2002-56.

14. Authorizing Engineering Department Staff to correct delinquent Solid Waste/Stormwater Utility Fees and/or Sewer Rental Credits Schedule for the month of September 2002.

15. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of September 2002, for certification to Polk County Treasurer.

LAND/PROPERTY TRANSACTIONS

16. Approving purchase and assignment of the outstanding Tax Certificate for 711 - 16th Street, \$50,000.

[\(Council Communication No. 02-553\)](#)

17. Authorize payment of Condemnation Award for acquisition of property located in Vine Street between Water Street and 2nd Avenue for the Vine Street Paving Project, (amount to be determined on October 21, 2002).

18. Approve and accept real estate documents for property located at 2nd Avenue and Park Street (Mid American Energy) for the I-235 sanitary sewer relocation project-Phase 1 - Birds Run Outlet Storm Sewer, (Keo Outlet), \$18,890 plus closing costs.

19. Establishing fair market value and authorizing acquisition of property located at 3444 Vandalia Road for the Agrimergent Technology Park Project by gift, negotiation, or condemnation, \$122,000.

20. Tax Abatement applications for additional value added by improvements made during 2002. (185 applications on file in City Clerk's Office).

[\(Council Communication No. 02-539\)](#)

21. Denial of Tax Abatement application for 5097 SW 63rd Street.

[\(Council Communication No. 02-540\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

22. Recommendation of Council Member Christine Hensley to reappoint Joseph Galloway to (Seat 12) of the Park and Recreation Board for a four year term commencing June 30, 2002 to expire June 30, 2006.

23. Communication from WRA Management Agency Secretary advising of David Feehan's resignation, and requesting his seat be declared vacant.

CITY PLAN COMMISSION RECOMMENDATIONS

24. Regarding request from Michael Harrison, 704 SW 62nd Street, to vacate and convey the adjoining north/south alley between 62nd and 63rd Street from Winona north 238.5 feet, subject to conditions.

SETTING DATE OF HEARINGS

25. On conveyance of property in the vicinity of 3014 E. 35th Street to Iowa Mobile Home Communities as part of the consideration for property required for the Gay Lea Wilson Recreation Trail.

26. On request from Sandi Zavalla, to rezone property at 914 Davis Avenue from "C-1" (Neighborhood Retail Commercial) to "R1-60" (One-Family Low-Density Residential), (11-4-02).

27. On Supplements to the Governmental Lease-Purchase Master Agreement, with Banc of America Leasing & Capital, LLC, for acquiring the following equipment, (11-4-02):

(A) Supplement 9, \$805,345, for one rotary snow plow and two plow trucks for the Airport.

[\(Council Communication No. 02-550\)](#)

(B) Supplement 10, \$335,946, for four refuse trucks for the Public Works Solid Waste Division.

[\(Council Communication No. 02-549\)](#)

28. On items regarding the Science Center of Iowa Site, (11-4-02):

WITHDRAWN (A) Rezone property between SW 3rd and SW 5th Street, north of SW Martin Luther King Jr. Parkway and south of Market Street, from "C3-R" (Central Business District Mixed-Residential) to "PUD" (Planned Unit Development), and to approve the proposed PUD Conceptual Plan.

(B) Vacate a portion of SW 4th Street and any remaining street and alley rights-of-way within the Science Center of Iowa Site between Vine Street and SW Martin Luther King Jr. Parkway, and between SW 3rd and SW 5th Street.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

29. Approving payment of \$25,415.50 to Robert J. Ellis for workers' compensation benefits as a result of an injury sustained during course and scope of his employment.

CITY MANAGER COMMUNICATIONS

30. On selection of a life insurance provider for City- sponsored plans, (EMC Employers Modern Life).

[\(Council Communication No. 02-547\)](#)

31. Submitting out-of-state travel requests for Eric A. Anderson, Russell Underwood, and Allan Tunks.

[\(Council Communication No. 02-537\)](#)

32. Submitting various traffic regulations as follows:

(1) Parking Restriction Revisions--East and West Sides of 38th Street, North of Ingersoll.

(2) Traffic Control Device for Euclid Avenue Traffic entering 47th Street.

(3) Corner Clearance--North Side of Lincoln Avenue, West of 9th Street.

[\(Council Communication No. 02-544\)](#)

APPROVING

33. Position of Assistant City Attorney, Katharine J. Massier, to be reduced to a three-quarter time position consistent with SPM Rules and Regulations.

34. Receipt of communication from City Clerk submitting 2003 City Council Schedule of meeting dates.

35. Receipt of report on changes to Low Income Housing Tax Credits.

[\(Council Communication No. 02-538\)](#)

36. Amendment 1 to License Agreement with Des Moines Water Works to allow for placement of data transmission equipment on 16 additional outdoor siren poles.

[\(Council Communication No. 02-546\)](#)

37. Recommendation of Airport Board requesting City Council approval of Agreement to terminate the Amended and Substituted Lease Agreement with S & W Corporation for land on Army Post Road, \$37,000.

[\(Council Communication No. 02-542\)](#)

38. One year extension on contract with the Department of Navy for loan of the ship model USS Des Moines-CA134 on public display in the Great Hall of City Hall.

39. Tobacco Retailer Compliance Program funding, to conduct checks on cigarette permit holders for compliance with prohibition on the sale of tobacco to minors.

[\(Council Communication No. 02-541\)](#)

40. Civil Service Entrance lists for Marketing Coordinator, Airport Operations Officer and Blank Park Zoo Aquarist.

41. Bid from O'Halloran International (Jim O'Halloran, President) for four refuse truck chassis', \$223,000 and bid from Mid-Iowa Solid Waste Equipment (Jeff Firestone, President, Johnston) for four truck bodies, \$112,946 to be used by the Solid Waste Division at a total cost of \$335,946.

42. Bid from Adams Door Co., for replacement of all original overhead doors at Stations 2, 5 and 6, \$45,160.

[\(Council Communication No. 02-543\)](#)

43. Authorizing Finance Director to draw checks on check registers of October 25 and November 11, 2002; and for bills of the Des Moines Municipal Housing Agency for the weeks of October 21 and 28, 2002; and to draw checks for biweekly payroll due employees of the City on October 18, 2002.

ORDINANCES - FINAL CONSIDERATION

44. On vacation of E. Granger Avenue right-of-way between SE 37th and SE 38th Street.

45. On vacation of a portion of E. Railroad Avenue right-of-way between SE 14th Court and SE 15th Street.

46. On Zoning Ordinance amendments regarding use of barb wire and electric fences.

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

ORDINANCES - SECOND CONSIDERATION

47. Amending Chapter 26 of the Municipal Code regarding frequency of inspections and fees for inspection of rental dwellings.

[\(Council Communication No. 02-551\)](#)

ORDINANCES - FIRST CONSIDERATION

48. Amending Chapter 18 of the Municipal Code regarding animal license fees and animal shelter fees.

[\(Council Communication No. 02-556\)](#)

COMMUNICATIONS/REPORTS

49. From John Ruan III and Matt McCoy to discuss signage along Fleur Drive regarding the Fleur Drive Beautification Project.

HEARINGS (Opened at _____ P.M.) (Items 50 and 55)

50. On 13th Amendment to the Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area, to encourage residential development by expanding the area, and encourage renovation and reuse of the old Washington School at 2 Hartford Avenue for residential use.

(A) Recommendation from the City Plan Commissions finding the proposed 13th Amendment to the Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area to be in

conformation with the 2020 Community Character Land Use Plan.

51. On request from Hawthorn Hill Community Partners, LP, and Preservation Properties Land Company, LLC, to rezone property at 921 Pleasant Street, from "C-2" (General Retail and Highway-oriented Commercial), to "C-3R" (Central Business District Mixed-Residential District), for adaptive reuse of the existing building into 46 one-bedroom apartments utilizing Iowa Finance Authority Tax Credit Program, subject to conditions, (continued from 10-7-02).

(A) First consideration of ordinance above.

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

52. On annexation of property, south of Hubbell Avenue and west of NE 43rd Court.

(A) 100% Voluntary Annexation.

(B) Voluntary Annexation including non-consenting properties.

53. On Zoning Ordinance amendment regarding fences allowed on properties designated for single- and two-family use in "PUD" and "R-6" Districts, to clearly require every plan to identify fences allowed.

(A) First consideration of ordinance above.

54. On Council-initiated request to change zoning conditions for property in the vicinity of NE 43rd Court and E. Douglas Avenue, (Mid-Iowa Land Co., L.C. and Amerus Land Development, Inc.) to an amended Ltd. "R1-60" (One Family Low-Density Residential) to require a minimum dwelling unit size of 1,100 square feet and to eliminate a requirement for detached or attached garages, (requires 6 affirmative votes to adopt due to Plan and Zoning recommended denial and sufficient protest).

(A) First consideration of ordinance above.

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

55. On Argonne Armory Drainage Corrections: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt, President, DM), \$49,225.

(A) Approving contract and bond.

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

APPROVING

56. Amendment to Chapter 28E Agreement creating and providing for operation of the Des Moines Metropolitan Transit Authority to approve the admission of the City of Ankeny as an additional member.

[\(Council Communication No. 02-557\)](#)

57. Submission of applications to the Des Moines Metropolitan Planning Organization for Federal STP and TE funds.

[\(Council Communication No. 02-545\)](#)

58. Agreement with the Downtown Partnership to administer "Changing Faces", the Storefront Art Project, \$50,000, in conjunction with Public Arts Commission.

[\(Council Communication No. 02-552\)](#)

(A) Approving the creation and membership of an Advisory Panel for the Storefront Art Project.

59. Recommendation of City Council Employee Evaluation Sub-Committee regarding appointment of City Clerk effective January 4, 2003.

60. Contracts with MAXIMUS Consulting Group, (\$254,025) and MSI (\$162,000) for upgrade of City's financial/accounting and Human Resources payroll application software system (PeopleSoft).

[\(Council Communication No. 02-555\)](#)

61. Developer-Initiated Development Proposal from John and Mary PappaJohn Higher Education Center Foundation to develop disposition Parcel Nos. 01-4A and 01-4B in Metro Center Urban Renewal Project and approving minimum requirements and competitive criteria for development.

[\(Council Communication No. 02-554\)](#)

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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

October 21, 2002

MOTION TO CONVENE

AUTHORIZING

1. Court authority to abate the public nuisances at the following locations:

(A) 507 Hartford Avenue (vacant) Titleholder: Eduardo S. Contreras.

(B) 2609 Prospect Road (vacant) Titleholder: Michael and Lois Edwards, and Legal Interest Holders: Nancy Coon d/b/a OHP 03, LC, First Bank National Association, Attn: C T Corporation System, Registered Agent, and Lederman Bonding Company, Attn: David Lederman, Registered Agent.

(C) 3136 Raccoon Street (vacant) Titleholder: Larry C. and Jacklyn K. Christensen, and Legal Interest Holders: Commercial Federal Mortgage Corporation f/k/a AmerUsBank, Attn: C T Corporation System, Registered Agent.

(D) 922 E. 12th Street (vacant) Titleholder: Don R. Brown.

2. Engineering Department to remove the following structures:

(A) 1235 3rd Street, Titleholders: Jerome Bassman and Sari Bassman.

(B) 1502 11th Street, Titleholder: Steven Boese.

3. An extension of time to renovate:

(A) 1408 Hutton, Titleholder: Vera Rowland, Contract Buyer: American Dream Corporation.

APPROVING

1. Release of demolition cost reserve escrowed under claim number 15-E048-462 regarding property known as 1106 Oak Park Avenue owned by Lonnie and Casey Dings.

MOTION TO ADJOURN at _____ P.M.