

**\*\*\* DES MOINES CITY COUNCIL MEETING REPORT \*\*\***

**The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '04-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.**

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**December 6, 2004 4:30 P.M.**

- 3:00 – 4:00 P.M. Reception honoring Michael Armstrong – City Hall, Second Floor  
Recipient of the 2004 Distinguished Information Sciences Award
- 3:45 – 4:00 P.M. Municipal Housing Governing Board Meeting
- 4:00 – 4:15 P.M. Award Presentation to Michael Armstrong
- 4:15 – 4:30 P.M. Proclamations and Special Presentations
  - Des Moines Choral Society Day
  - Human Rights Month
  - Holiday Food Program Weeks

**INVOCATION:** Pastor Tony Thurston  
College Avenue Christian Church

- 04-2591 1. **ROLL CALL – 4:30 P.M. Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassis.**
- 04-2592 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Vlassis to adopt. Motion Carried 7-0.**

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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.**

- 04-2593 3. **APPROVING CONSENT AGENDA – items 3 through 35: Moved by Hensley to ado**

**the balance of the Consent Agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS**

- 04-2594 4. Approving Alcoholic Beverage License applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

**NEW APPLICATIONS**

(A)	DICKEY DOOGANS	1201 E ARMY POST ROAD	C Liquor
<del>(B)</del>	<del>LA CRUZ #3</del>	<del>3900 E 14TH ST</del>	<del>C Beer</del>
<del>(C)</del>	<del>LAGNIAPPE</del>	<del>3800 MERLE HAY RD</del>	<del>B Native Wine</del>
(D)	PLAZA PANTRY	300 WALNUT ST	C Beer
(E)	PORKYS DINER	4444 DOUGLAS AVE	B Beer
(F)	SKYLINE BAR AND GRILL	2222 FOREST AVE	C Liquor

**RENEWAL APPLICATIONS**

(G)	BJM FOOD MART	3625 INGERSOLL AVE	C Beer
(H)	BUZZARD BILLYS	100 COURT AVE	C Liquor
(I)	CITGO GAS STATION	4600 FLEUR DR	C Beer
(J)	CLUB STATIK	215 E 2ND ST	C Liquor
(K)	DEN	4369 MERLE HAY RD	C Liquor
(L)	GIT N GO STORE #2	1307 ARMY POST RD	C Beer
(M)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
<del>(N)</del>	<del>K BOOM</del>	<del>319 COURT AVE</del>	<del>C Liquor</del>
(O)	KUM & GO #60	806 SE 14TH ST	C Beer
<del>(P)</del>	<del>MR. V's</del>	<del>206 INDIANOLA</del>	<del>C Liquor</del>
(Q)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor

**SPECIAL EVENT APPLICATIONS**

- (R) WINSTONS PUB & GRILLE 800 WALNUT ST C Beer/Wine  
Five-day license in conjunction with Dig Downtown on December 17, 2004. Pending approval of Building, Electrical, Fire and Zoning Departments.

- 04-2595 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-2596 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

**PUBLIC IMPROVEMENTS**

- 04-2597 7. Execution of Iowa Department of Transportation Preconstruction Agreement for sewer construction along Rollins Avenue and 33<sup>rd</sup> Street. ([Council Communication 04-617](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

8. Approving completion and recommending acceptance of the following Private Construction Contracts:
  - 04-2598 (A) McAninch Corporation and James C. Conlin for Sanitary Sewer Improvement at 2900 Southern Hills Circle. **Moved by Hensley to adopt. Motion Carried 7-0.**
  - 04-2599 (B) McAninch Corporation and Triton Homes, Inc. for Sanitary Sewer Improvement at 936 McKinley Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
  - 04-2600 (C) Corell Contractor, Inc. and Nelson Development 10, LLC for Storm Sewer Improvements at 430 Grand Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
  - 04-2601 (D) Double T Asphalt Co., Inc. and Des Moines Public Schools for Street Improvements at Greenwood Elementary School, 316 37<sup>th</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2602 9. Communication from Cramer and Associates, Inc. requesting permission to sublet items for the Agrimergent Technology Park Storm Sewer Outlet and Pump Station Project. **Moved by Hensley to adopt. Motion Carried 7-0.**
10. Accepting completed construction and approving final payment for the following:
  - 04-2603 (A) 2002/2003 Paving Program, M. Peterson Construction Co. **Moved by Hensley to adopt. Motion Carried 7-0.**
  - 04-2604 (B) M. L. King, Jr. Parkway Demolition No. 6 E/W, Metro Wrecking & Excavating, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

11. Approve and accept real estate documents for the following:
  - 04-2605 (A) Property (Lots 12 & 13 Adler Place including 20 ft. adjoining strip of land) for Closes Creek Storm Water Improvement Project, \$ 10,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
  - 04-2606 (B) 5575 McKinley Avenue, for the Airport Runway 13R/31L Project, \$225,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
  - 04-2607 (C) Establishing fair market value for property at 2625 McKinley Avenue for McKinley Avenue reconstruction project, \$10,070 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-2608 12. Payment of Condemnation Award for acquisition of property at 4901 Fleur Drive for Runway Protection Zone Project, \$1,548,445 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**
- 04-2609 13. Authorization to proceed with right-of-way acquisition for the American Discovery Trail Walnut Creek Connection, Phase III-Segment A, \$450,000. ([Council Communication No. 04-620](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2610 14. Authorization to proceed with right-of-way acquisition for the S.W. 9<sup>th</sup> Street and Cou Line Road intersection improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2611 15. Amendment to existing easement for storm sewer right-of-way at 4121 SE 14<sup>th</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

- 04-2612 16. Approving Neighborhood Revitalization Board's recommendation of Charter status for Greenwood Historic Neighborhood and continued designated status for Fairground, Grand Woods, North of Grand and Sherman Hill Neighborhoods until January 1, 2007. ([Council Communication No. 04-609](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2613 (A) Letter from Neighborhood Revitalization Board. **Moved by Hensley to receive, file. Motion Carried 7-0.**
- 04-2614 17. Appointing a City representative to the Central Iowa Committee, regarding metropolitan design standards and specifications. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2615 18. Recommendation of Mayor Frank Cownie to appoint Frank Owens to Seat 11 on the Neighborhood Revitalization Board for a three-year term commencing July 1, 2004 to expire July 1, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2616 19. Recommendation of Council Member Robert Mahaffey to appoint Jacquelyn Seymour to Seat 3 on the Neighborhood Revitalization Board for a three-year term commencing July 1, 2003 to expire July 1, 2006. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2617 19I. Recommendation of Council Member Archie Brooks to appoint Steven J. Bell to Seat 1 on the Urban Design Review Board for a three-year term commencing July 1, 2004 to expire on June 30, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2618 20. Communication from John LaBonia advising of his resignation from the Sister City Commission (Seat 7) effective immediately. **Moved by Hensley to receive, file, and**

**accept resignation with appreciation for his service. Motion Carried 7-0.**

### **SETTING DATE OF HEARINGS**

- 04-2619      21. On City-initiated request to rezone property in the vicinity 1810 Forest Avenue from “C (General Retail and Highway Oriented Commercial) to “R1-60” (One Family Low Density Residential), (12-20-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2620      22. On sale of 3<sup>rd</sup> Street right-of-way between University and Laurel, to Health Initiative Iowa Corp. d/b/a Mercy Medical Center, \$180,000, (12-20-04). **Moved by Hensley to adopt. Motion Carried 7-0.**

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

- 04-2621      23. Approving payment of \$2,645.44 to Myers & Jenkins Law Firm for representation of City in the UAL Corporation Bankruptcy and ATA Holding Corp. Bankruptcy. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2622      24. Approving payment of \$39,105 to Charles Brookhart for injury sustained during course of employment. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2623      25. Approving payment of \$47,200 to Fred Cahhal for injury sustained during course of employment. **Moved by Hensley to adopt. Motion Carried 7-0.**

### **CITY MANAGER COMMUNICATIONS**

- 04-2624      26. Regarding tax increment needs for fiscal year 2005/2006. ([Council Communication No. 04-612](#)) **Moved by Hensley to adopt the recommendations contained in Council Communication No. 04-612 and to direct the City Manager or his designee to notify the County Auditor of the City of Des Moines’ need for \$19,925,577 of tax increment revenue for FY 2005/2006 and if there are subsequent reductions in tax increment valuations, the City Manager or his designee is authorized to decrease the TIF requirement as to be in compliance with the Council’s TIF policy. Motion Carried 7-0.**

### **APPROVING**

- 04-2625      27. Execution of HOME Documents for the Rose of Des Moines Development Project ([Council Communication No. 04-610](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-2626 28. Termination of a City economic development loan agreement with Wausau Beneficial Bank. [\(Council Communication No. 04-607\)](#) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2627 29. Process for acquisition and assignment of Polk County tax certificates for June 2005 auction. **Moved by Hensley to adopt; and refer to the City Manager to adopt a requirement that interested developers be required to meet with the area Neighborhood Association. Motion Carried 7-0.**
- 04-2628 (A) Staff to solicit proposals for purchase and renovation of certain tax delinquent public nuisance properties. [\(Council Communication No. 04-619\)](#) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2629 30. First Amendment to Development Agreement for property at 711-16<sup>th</sup> Street located on Sherman Hill. **Moved by Coleman to adopt. Motion Carried 5-2. Nays: Brooks and Vlassis.**
- 04-2630 31. Amendment Two to the John R. Grubb YMCA Weed & Seed Community Activation Project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2631 32. Communication from Downtown Community Alliance on behalf of Transportation Management Association to approve banner design for 42 banners in downtown Des Moines on Locust and Walnut Streets throughout 2005. **Moved by Hensley to receive and file and approve banner design as submitted. Motion Carried 7-0.**
- 04-2632 33. Bid from Intergraph Public Safety (sole area wide distributor) for a software upgrade to the City's Computer Aided Dispatch System (CAD) and Records Management System (RMS) for \$41,200. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2633 34. Finance Director to draw checks for check registers of December 9 and December 10, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of December 6 and December 13, 2004; and to draw checks for biweekly payrolls due December 10, 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

- 04-2634 35. Rezoning property in the vicinity of 1902-1925 Lyon Street and 1916-1922 Des Moines Street from “R1-60” (One Family Low Density Residential) to Ltd. “M-1” (Light Industrial). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
  
- 04-2635 (A) Final consideration of ordinance above, (waiver requested by Leachman Lumber requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,396. Motion Carried 7-0.**

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

\*\*Council considered Items 36-39, Item 46, Extra Items 1 and 2 and Board of Health next\*\*

**ORDINANCES - FIRST CONSIDERATION**

- 04-2636 36. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
  - (A) Corner Clearance-east side of East 22<sup>nd</sup> Court, north of Maple Street.
  - (B) Corner Clearance-east side of Beaver Avenue, north and south of 37<sup>th</sup> Street.
  - (C) Corner Clearance-south side of Cottage Grove Avenue, west of 26<sup>th</sup> Street.
  - (D) Stop Sign Removal-east approach of Easter Lake Drive and SE 34<sup>th</sup> Street.
  - (E) Additional Parking Meters-south side of Locust Street from 9<sup>th</sup> Street to 12<sup>th</sup> Street.
  
- 04-2637 (F) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,396. Motion Carried 7-0.**
  
- 04-2638 37. Amending Chapter 102 of the Municipal Code regarding division lines used for naming City Streets and assigning address numbers. ([Council Communication No. 04-6](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- 04-2639 (A) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,397.** Motion Carried 7-0.
- 04-2640 38. Amending Chapter 74 of the Municipal Code establishing the 2005 fees for golf courses, Sylvan Theater, swimming pools and Birdland marina. ([Council Communication No. 616](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. City Manager to prepare an analysis of area golf courses.** Motion Carried 7-0.

### COMMUNICATIONS/REPORTS

- 04-2641 39. From Alan Fagan, 4528-50<sup>th</sup> Street, requesting to speak regarding safety of freeway lighting, entrance ramps and streets. **Moved by Hensley to receive and file comment. City Manager to send a letter to IDOT regarding lighting in construction area.** Motion Carried 7-0.

### HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 40 THRU 45)

40. On items regarding the Drake University Stadium Renovation:
- 04-2642 (A) Recommendation from Traffic Safety Committee. ([Council Communication No. 618](#)) **Moved by Vlassis to receive and file the report and recommendation from the Traffic Safety Committee.** Motion Carried 7-0.
- 04-2643 (B) Hearing on vacation of 28<sup>th</sup> Street from Forest to Clark. **Moved by Vlassis to adjourn and to not publish the ordinance vacating the right-of-way before April 1, 2008.** Motion Carried 7-0.
- 04-2644 (1) Second consideration of ordinance above. **Moved by Vlassis that the ordinance be considered and given second vote for passage.** Motion Carried 7-0.
- 04-2645 (2) Final consideration of ordinance above, (waiver requested by Drake University) requires 6 votes. **Moved by Vlassis that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,398.** Motion Carried 7-0.

- 04-2646 (C) Hearing on vacation and conveyance of Clark Street from 27<sup>th</sup> to 28<sup>th</sup> **and to continue the hearing on the conveyance. Moved by Vlassis to adopt and to not publish ordinance vacating the right-of-way before April 1, 2005; and to continue public hearing on the proposed conveyance of such vacated real property December 20, 2004 at 5:30 P.M. in the Council Chambers. Motion Carried 7-0.**
- 04-2647 (1) Second consideration of vacation ordinance above. **Moved by Vlassis that ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- 04-2648 (2) Final consideration of vacation ordinance above, (waiver requested by Duquesne University), requires 6 votes. **Moved by Vlassis that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that ordinance do now pass, #14,399. Motion Carried 7-0.**
- 04-2649 (D) Setting Date of Hearing on conveyance of 28<sup>th</sup> Street, from Forest to Clark, (12-04). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2650 41. On appeal from Robert Grafton, 2028 Lay Street of the Administrative Hearing Office decision regarding vicious dog declaration. **Moved by Coleman to uphold declaration. Motion Carried 7-0.**
- 04-2651 42. On vacation and conveyance of an easement upon a portion of the public right-of-way adjoining 111-10<sup>th</sup> Street, to EDS Information Services, LLC, successor to NeoBooks/Distribution Services, Inc., \$100. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2652 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-2653 (B) Final consideration of ordinance above, (waiver requested by Robert Bergaz), requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,400. Motion Carried 7-0.**
- 04-2654 43. On request from Neighborhood Development Corporation to rezone property north of I-19 Grand Avenue between East 15<sup>th</sup> Street and East 16<sup>th</sup> Street from “C-2” (General Retail Highway Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial). **Moved by Brooks to adopt and approve the rezoning, subject to final passage of rezoning ordinance. Motion Carried 7-0.**

- 04-2655 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance considered and given first vote for passage. Motion Carried 7-0.**
- 04-2656 (B) Final consideration of ordinance above, (waiver requested by Neighborhood Development Corporation), requires 6 votes. **Moved by Brooks that the ordinance requiring that an ordinance must be considered and voted on for passage at Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,401](#). Motion Carried 7-0.**
- 04-2657 44. On SW 9<sup>th</sup> Street Viaduct over M.L. King, Jr. Parkway and Railroad Bridge Rehabilitation: Resolution approving plans, specifications, form of contract documents, Engineers estimate and designating lowest responsible bidder as Christensen Bros., (Scott Christensen, President), \$1,327,654. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2658 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2659 45. On 2004 Sanitary Sewer Lining Program-Contract 1: Resolution approving plans, specifications, form of contract documents, Engineers estimate and designating lowest responsible bidder as Visu-Sewer Clean & Seal, Inc., (Keith M. Alexander, President), \$2,483,147.50. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2660 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

END HEARINGS AT 6:21 P.M.

### APPROVING

46. The following items regarding East Village:
- 04-2661 (A) Urban Renewal Development Agreement with East Village Square Apartments, L.P. ([Council Communication No. 04-611](#)) **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Mahaffey.**
- 04-2662 (B) East Village Square Partners, L.P. application for Enterprise Zone Benefits for project in Des Moines. ([Council Communication No. 04-608](#)) **Moved by Brooks to approve. Motion Carried 6-1. Nays: Mahaffey.**

## **EXTRA ITEMS**

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting 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.

- 04-2663            1.    Setting Date of Hearing on vacation and conveyance of portion of north/south alley from University Avenue to Indiana Avenue between 4<sup>th</sup> Street and 5<sup>th</sup> Street to Walden Park Limited Partnership, \$12,500. (12-20-04). SPONSOR: Vlassis. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2664            2.    Approving Revised Incentive Schedule for Martin Luther King Jr., Parkway and F Drive Intersection/Bridges Combined, with Jensen Construction Co., and Universal Contractors, Inc., A Joint Venture. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

## **BOARD OF HEALTH**

- 04-2665            MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at 6:00 P.M. Board of Health. Motion Carried 7-0.**
- 04-2666            1.    Authorizing the Engineering Department to remove the structure located at 410 E. 1<sup>st</sup> Street, Titleholder: Thomas Daniels. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-2667            MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:21 P.M. Motion Carried 7-0.**

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