

DES MOINES CITY COUNCIL MEETING

November 8, 2004 4:30 P.M.

PROCLAMATIONS – 4:15 P.M.

Hunger and Homelessness Month

INVOCATION: Pastor Tony Thurston
College Avenue 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 47:

LICENSES AND PERMITS

4. Approving alcoholic beverage license applications for the following:

NEW APPLICATIONS

- | | | | |
|-----|----------------------------------|---------------------|---|
| (A) | ESTRADAS RESTAURANT
Liquor | 3029 MERLE HAY ROAD | C |
| (B) | HY VEE GAS DES MOINES #5
Beer | 1113 E ARMY POST RD | C |

RENEWAL APPLICATIONS

- | | | | |
|-----|-------------------|--------------------------------|--------|
| (C) | ALDI INC #03 | 3940 E 14TH STREET | C Beer |
| (D) | ALDI INC #29 | 500 E ARMY POST RD | C Beer |
| (E) | ALDI INC #38 | 2543 E UNIVERSITY AVE | C Beer |
| (F) | CORIGLIANOS PIZZA | 2619 SW 9 TH STREET | B Beer |

(G)	EL RODEO #2 Liquor	1234 E EUCLID AVE	C
(H)	FLEUR CINEMA & I Beer/Wine	4545 FLEUR DR	C
(I)	HESSEN HAUS Liquor	101 4 TH STREET	C
(J)	HULL AVENUE TAP Liquor	834 E HULL AVENUE	C
(K)	PARK AVENUE PUB Liquor	1101 PARK AVE	C
(L)	QUIKTRIP #541	2428 HUBBELL AVE	C Beer
(M)	RUSTYS Liquor	2565 WEDGEWOOD RD	C
(N)	SOUTHSIDE TOBACCO & LIQUOR Liquor	2424 SW 9 TH ST	E
(O)	STROLL INN Liquor	3325 HUBBELL AVE	C

5. City Clerk to issue Cigarette Licenses.

6. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Resolution Ordering Construction of SW 9th Street Viaduct over M.L. King, Jr. Parkway and Railroad Bridge Rehabilitation – Receiving of Bids, (11-16-04), and Setting Date of Hearing, (12-6-04). (Construction Estimate - \$1,459,671.20).

8. Approving and authorizing execution of Iowa Department of Transportation Preconstruction Agreement for 56th Street Interchange Reconstruction.

[\(Council Communication No. 04-569\)](#)

9. Approving and authorizing execution of Iowa Department of Transportation Change Order No. 3 to Deans Lake Phase 1 Storm Sewer Outlet.

[\(Council Communication No. 04-568\)](#)

10. Approving Private Construction Contract between Eco-Tech Construction, LLC and Rottlund Homes of Iowa, Inc. for Sanitary Sewer Manhole Improvements in the Reserve Townhomes Plat 1.

11. Accepting completed construction and approving final payment for the following:
 - (A) 11th/12th Streets Connector Traffic Signals, Baker Electric.
 - (B) Cownie Soccer Complex Concession Shelter Repair, Bergstrom Construction, Inc.
 - (C) 7th and Grand Parking Garage Elevator Replacement, O'Keefe Elevator.
 - (D) University Avenue Median Modifications at 2nd Avenue, Johnson Concrete & Petroleum Cont., Inc.

SPECIAL ASSESSMENTS

12. Levying assessments for costs of Nuisance Abatement for the following:
 - (A) NAC Emergency Orders (Community Development), Schedule No. 2004-31.
 - (B) NAC Emergency Orders (Community Development), Schedule No. 2004-81.
 - (C) NAC Emergency Orders (Public Works), Schedule No. 2004-80.
13. Approving deletion of special assessments as follows:
 - (A) 3009 Dean Avenue – Schedule 2004-11.
 - (B) 3105 Stanton Avenue – Schedule 2004-56.
14. Approving Delinquent Sewer Rental and/or Solid Waste Stormwater Utility fees for October 2004.
15. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for October 2004.
16. Petition and waiver forms for sidewalk program/request to repair driveway executed by the owners of one property, and authorizing City Manager to proceed with construction.

LAND/PROPERTY TRANSACTIONS

17. Approve and accept real estate documents for the following:
 - (A) 2536 Martin Luther King, Jr. Parkway for the Closes Creek Storm Water Improvements Project, \$1 plus closing costs.
 - (B) 4580 Fleur Drive for the McKinley Avenue Reconstruction Project, \$2,000 plus closing costs.
 - (C) 5160 Pine Avenue & 5260 Army Post Road for the Army Post Road/Highway 28 Relocation Project, \$4,001 plus closing costs.
 - (D) Property located in Warren County locally known as Tax Parcel #05000020823 & #05000010640 for the Southeast Ridge Trunk Sanitary Sewer Project, \$10,001 plus closing costs.
18. Establishing Fair Market Value and authorizing acquisition of property at 1711 Dixon Street for the Guthrie Avenue Business Park Project, \$450,000 plus closing costs.
19. Approving subdivision plat entitled Three Lakes Estates Plat 6 located in vicinity north of East Pine Avenue.
 - (A) Agreement with Erickson Development, Inc. for improvements within the unimproved portion of Three Lakes Parkway right-of-way, southeast of Moonlight Drive.
 - (B) Agreement with Three Lakes Neighborhood Association for snow removal and mowing along the new sidewalk to be constructed within the unimproved portion of Three Lakes Parkway.
20. NUMBER NOT USED.

BOARDS/COMMISSIONS/NEIGHBORHOODS

21. Approving amended Procedural Rules for Licensing and Appeals Board.
22. Approving South Park Neighborhood Association's request to extend southern boundary.

[\(Council Communication No. 04-575\)](#)

23. Recommendation of Council Member Robert Mahaffey for reappointment of Daniel Flaherty to the Plan and Zoning Commission (Seat 10) for a five-year term commencing July 1, 2004 to expire July 1, 2009.
24. Communication from Dolph Pulliam advising of his resignation from the Neighborhood Revitalization Board (Seat 11) effective immediately.
25. Communication from Rose Vasquez advising of her resignation from the Board of Water Works Trustees (Seat 3) effective immediately.

SETTING DATE OF HEARINGS

26. Items regarding property in the vicinity the 1900 block of Des Moines Street and Lyon Street:
 - (A) Setting date of hearing on rezoning of property in the vicinity of 1902 Des Moines Street from R1-60 (One Family Low Density Residential) to "M-1" (Light Industrial) to allow for expansion of Leachman Lumberyard business, subject to conditions, (11-22-04).
 - (B) Recommendation from City Plan and Zoning Commission regarding request to vacate and convey portions of the east/west alley between Des Moines and Lyon Streets.
27. On request from Luther Care Service for amendment to the Luther Park Center PUD Concept Plan for property at 2908 E. 16th Street to define the design and site configuration of a conceptually approved multifamily residential building proposed to be three-stories containing 32 independent senior living apartments on the first and second stories and 19 assisted living quarters on the third story, subject to revisions on the Plan, (11-22-04).
28. On Voluntary Annexation of 248 acres in Warren County, owned by the Spence Family Limited Partnership, south of the North River and immediately east of US Highway 65/60, (1-10-05).
29. On request from Carl Guiffre representing Pick N Payless, Inc. for relief from temporary moratorium on commencement or expansion of "M-2" (Heavy Industrial) uses to permit a new auto salvage business in vicinity of 1701 Maury Street, (11-22-04).

COMMUNICATIONS FROM PLANNING AND ZONING

30. Regarding request from Dale Jones, 720 SE 15th Court, for vacation and conveyance of the north/south alley between SE 15th and SE 15th Court from Maury to Shaw, subject to conditions.

LEGAL DEPARTMENT – CLAIM SETTLEMENTS & BILLINGS

31. Approving payment of \$2,072.46 to Myers & Jenkins for representation of the City in the UAL Corporation Bankruptcy.
32. Approving settlements made by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

33. Regarding waiver of permit fees for banners and special event signage requested by neighborhood associations.

[\(Council Communication No. 04-570\)](#)

34. Submitting out-of-state travel for T. M. Franklin Cownie.

[\(Council Communication No. 04-557\)](#)

APPROVING

35. The following items regarding low-income housing tax credit:
 - (A) Receipt of communication from City Manager regarding City's Affordable Housing Policy and adopted criteria for reviewing low-income housing tax credit projects.

[\(Council Communication No. 04-571\)](#)
 - (B) Support for low-income housing tax credit application to Iowa Housing Finance Authority by James C. Conlin for construction of 60 units of Family Housing at 6009 SW Creston Avenue, Buildings C & D.
 - (C) Support for low-income housing tax credit application to Iowa Housing Finance Authority by Court Avenue Partners II, L.P. for construction of 52

units of mixed-income housing that includes 26 units of family housing at 312 Court Avenue.

- (D) Support for low-income housing tax credit application to Iowa Housing Finance Authority by James C. Conlin for construction of 30 units of family housing at 3560 East Douglas Avenue.
- (E) Support for low-income housing tax credit application to Iowa Housing Finance Authority by Mid Limited Partnership #86 for rehabilitation of 31 units of mixed-income housing that includes 16 units of family housing at 1440 Walnut (Crane Building).
- (F) Denying support for low-income housing tax credit application to Iowa Housing Finance Authority by Cherry Lane Company, LLLP for construction of 52 units of family housing in 4500 block of Hubbell Avenue.
- (G) Denying support for low-income housing tax credit application to Iowa Housing Finance Authority by Des Moines Housing Partners, L.P. for renovation of 52 units of family housing at 340 SW 5th Street.
- (H) Denying support for low-income housing tax credit application to Iowa Housing Finance Authority by Anawim Housing for construction of 7 units of family housing and renovation of 9 units of family housing in vicinity of 13th and Forest.

[\(Council Communication No. 04-572\)](#)

- 36. NUMBER NOT USED.
- 37. Beginning the process to adopt the 2003 edition of the International Council Family of Construction Codes in conjunction and coordination with participating surrounding communities.
- 38. Receive and file Ingersoll Avenue Improvement Plan and refer to City Manager for recommendation.

[\(Council Communication No. 04-574\)](#)

- 39. Committing \$10,000 donation to the Worker's Monument on the State Capitol grounds.
- 40. Assignment of Urban Renewal Agreement for lease of land for private development to Nelson Development 12, L.L.C. and approving collateral assignment of lease for property at 101 SW 4th Street.

[\(Council Communication No. 04-573\)](#)

41. Golf Course Management Renewal Agreements with Ned Chiodo dba Southern Golf for A.H. Blank Golf Course and Robert Vanscoy for Grandview and Waveland Golf Courses.

[\(Council Communication No. 04-579\)](#)

42. Communication from Downtown Community Alliance on behalf of Iowa Farm Bureau Federation to approve banner design for 36 banners in downtown Des Moines on Grand and Fifth Avenue during December.
43. Bids from the following:

- (A) Motorola Inc. per State of Iowa Contract CT1199MV for mobile radio equipment to be used by the Police Department, \$88,546.84.
- (B) Old Diminon Brush Company for an annual contract with two additional one-year renewal options to furnish street sweeper brooms and parts as requested by the Fleet Maintenance Center. (Six bids mailed, three received).
- (C) Construction & Aggregate Products, \$58,373.50 and Utility Equipment Company, \$1181 for steel cutting edges for snow plows and motor patrols as requested by the Equipment Maintenance Center at a total cost of \$59,554.50. (Four bids mailed, four received).

[\(Council Communication No. 04-566\)](#)

- (D) Karl Chevrolet, \$74,570, Dewey Ford, \$11,985 and Mid-States Ford, \$41,074 for various vehicles as requested by the Equipment Maintenance Center to be used by Community Development and the Fire Department at a total cost of \$127,629. (Ten bids mailed, five received).

[\(Council Communication No. 04-558\)](#)

- (E) Component Technology (primary supplier) and Accurate Hydraulics and Machine Services (secondary supplier) for an annual contract with two additional one-year renewal options to furnish hydraulic cylinder repair and service as requested by the Fleet Maintenance Center. (Four bids mailed, two received).
44. Finance Director to draw checks for check registers of November 12 and November 18, 2004; and to draw checks for bills of the Des Moines Municipal

Housing Agency for weeks of November 8 and November 15, 2004; and to draw checks for biweekly payroll due November 12, 2004.

ORDINANCES – FINAL CONSIDERATION

- 45. Amending Chapter 114 of the Municipal Code regarding:
 - (A) Petition for Parking Restriction Reversal-Thornton Court, west of SE 20th Street.
 - (B) Intersection Study-34th Street and Clark Street.

ORDINANCES – SECOND CONSIDERATION

- 46. Amending Chapter 102 of the Municipal Code regarding snow and ice removal.
 - (A) Final consideration of ordinance above, (waiver requested by Public Works Department), requires 6 votes.
 - (B) Amending the Schedule of Administrative Penalties.
- 47. Amending Chapter 114 of the Municipal Code regarding changes to City Snow Routes.
 - (A) Final consideration of ordinance above, (waiver requested by Public Works Department), requires 6 votes.

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

ORDINANCES – FIRST CONSIDERATION

- 48. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Corner Clearance – East side of SE 8th Court, south of King Avenue.
 - (B) Metro Community Relations Official Police Vehicle Parking – 9 SW 7th Street.
 - (C) Traffic Calming – Madison Avenue between Lower Beaver Road and Beaver Avenue.

- (D) Two-Sided Parking Restriction – Wolcott Avenue between SW 30th Street and SW 31st Street.
 - (E) Midblock Pedestrian Signal – On Forest Avenue, east of 18th Street.
49. Vacating Third Street from University Avenue to Laurel Avenue, (repealing Ordinance 14,377), to correct an error in the legal description.
- (A) Final consideration of ordinance above, (waiver requested by the Legal Department), requires 6 votes.

COMMUNICATIONS/REPORTS

50. From Dominique Francis, 2415 E. Garfield Avenue, to speak regarding various issues.

HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 51 THRU 61)

51. On appeal from Phillip and Laurie Staver, 2525 County Line Road, Lot #325, of the Administrative Hearing Officer's decision regarding their dog.
52. On items regarding Drake University Stadium Renovation:
- (A) Hearing on vacation of 28th Street from Forest to Clark.
 - (1) First consideration of ordinance above.
 - (B) Hearing on vacation of Clark Street from 27th to 28th.
 - (1) First consideration of ordinance above.
53. On proposed First Year Action Plan (2005) of the 2005-2009 HUD Consolidated Plan.

(Council Communication No. 04-559)

- (A) Communication regarding the Consolidated Plan.
- (B) Finding and recommendations of the City's Environmental Review Committee and authorizing Intent to Request Release of Funds and Certifications.

54. On conveyance of an Underground Electric Line Easement at the west side of SE 43rd Street and half mile south of Vandalia Road, to MidAmerican Energy as part of the Agrimergent Technology Park Storm Water Improvements Project.
55. On vacation and conveyance of the south 130' of a dead end segment of the north/south alley running south from E. Lacona between SE 8th Street and SE 8th Court, to Mark A. and Tammy L. Ruby, \$75, and to John W. Virden, \$75.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by applicants), requires 6 votes.
56. On intent to convey the Des Moines Metropolitan Wastewater Reclamation Facility and certain sanitary interceptor sewers, Wastewater Detention Basins and Pumping Stations to the Des Moines Metropolitan Wastewater Reclamation Authority.

[\(Council Communication No. 04-581\)](#)

57. On request from Michael Barnes to rezone property at 615 Park Street from “C-2” (General Retail and Highway Oriented Commercial) to “C-3” (Central Business District Commercial).
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
58. On conditional approval of a request from Triton Homes, LLC for approval of an amendment to the approved River Oaks Centre PUD Concept Plan for property at 6000 Creston Avenue to change the approved 72 units of multifamily residential to 72 units of townhome, subject to plan revisions.
59. On request from Mr. Harry Aller and Iowa Auto Top to amend paragraph (36) of subsection I of Section 134-947 of the Zoning Ordinance regarding the scope of general motor vehicle repair businesses allowed in “C-2” General Retail and Highway Oriented Commercial district to allow automotive upholstery, scratch and dent repair and minor painting.
- (A) First consideration of ordinance above.

- (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
60. On Supplement No. B1 to the Governmental Lease-Purchase Master Agreement, \$700,000, for acquisition and financing of 32 vehicles for the Police Department.

[\(Council Communication No. 04-561\)](#)

- (A) Authorization for additional actions and issuance of an initial supplement.
 - (B) Authorizing execution and delivery of a governmental lease-purchase Master Agreement.
61. Items regarding the Court Avenue Housing Project:
- (A) Hearing regarding Urban Renewal Agreement for sale of land for Private Redevelopment with Court Avenue Partners II, L.P.

[\(Council Communication No. 04-567\)](#)

- (B) Hearing on conveyance of alley right-of-way adjoining the property, \$1,000.
- (C) Approving Urban Renewal Development Agreement with Court Avenue Partners I, L.P. for Spaghetti Works Building.

[\(Council Communication No. 04-580\)](#)

END HEARINGS AT _____P.M.

APPROVING

62. Directing sale of \$14,790,000 Sewer Revenue Refunding Bonds, Series 2004H.

[\(Council Communication No. 04-563\)](#)

- (A) Master Resolution regarding issuance of Sewer Revenue Bonds, authorizing and providing for issuance and securing payment of Sewer Revenue Refunding Bonds, Series 2004H, and providing for method of payment, funding a debt service reserve fund and related matters.
- (B) Authorizing redemption of outstanding Sewer Revenue Bonds, Series 2002C and Sewer Revenue Capital Loan Note Series 1995A, directing

notices of redemption be given and appointing Wells Fargo Bank N.A. as Registrar and Paying Agent.

63. Directing sale of \$5,160,000 Sewer Revenue Bonds, Series 2004G:

[\(Council Communication No. 04-562\)](#)

- (A) Series Resolution authorizing and providing for issuance and securing payment.

64. \$5,965,000 Sewer Revenue Capital Loan Notes, Series 2004I--Series Resolution approving and authorizing form of Loan and Disbursement Agreement, between the City, Iowa Finance Authority, Iowa Dept. of Natural Resources and Wells Fargo Bank, N.A., and providing for issuance and securing payment and providing for a method of payment.

[\(Council Communication No. 04-564\)](#)

65. Assignment and Assumption Agreement, Funding Trust Agreement, and Continuing Disclosure Certificate in conjunction with issuance of bonds by the Des Moines Metropolitan Wastewater Reclamation Authority.

[\(Council Communication No. 04-565\)](#)

- (A) Authorizing redemption of certain outstanding sewer revenue obligations of the City of Des Moines being defeased by the Des Moines Metropolitan Wastewater Reclamation Authority, Directing Notices of Redemption to be given and appointing Wells Fargo Bank, N.A. as Registrar and Paying Agent for said bonds.

66. Resolution to authorize submission of \$200,000 EPA Grant Proposal for Petroleum Assessment of Des Moines Brownfields.

[\(Council Communication No. 04-560\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

1. Obtaining court authority to abate the public nuisance structures at the following locations:

- (A) 2245 Capitol Avenue and the structure known as 318 E. 23rd Street, Titleholder: CitiFinancial, Inc.
 - (B) 215 College Avenue, Titleholders: Edward Moss d/b/a The Pyramid Group, Inc., and Susan Moss d/b/a The Pyramid Group, Inc.; Contract Buyers: Edward Moss, Martin Aquilar, Reginald Moss, Mark Garris, Gary Moss, James L. Moss, Soloman D. Moss, Raymond Reynolds and Maxine Brown.
 - (C) 1905 Des Moines Street (garage), Titleholders: Karen Weltzheimer and Alan Grett; Mortgage Holders: American General Financial, Inc., and Hearthside Lending Corporation.
 - (D) 320 Indiana Avenue, Titleholder: Wells Fargo Bank, Minnesota National Association.
 - (E) 501 Kirkwood Avenue, Titleholder: Lori Leeper; Mortgage Holders: Wells Fargo Bank Iowa National Association and Wells Fargo Financial Bank.
 - (F) 2301 Logan Avenue, Titleholders: Violet and Kenneth Sharon; Mortgage Holder: Ameriquest Mortgage Company.
 - (G) 2628 Lyon Street, Titleholder: Samann, LC.
 - (H) 2601 E. Market Street, Titleholder: Bonnie Wimber; Mortgage Holder: US Bank, NA.
 - (I) 1727 E. 24th Street, Titleholder: Marie Ellen Worth.
2. The Engineering Department to cause the removal of the following public nuisance structures:
- (A) 3410 Amherst Street (garage), Titleholder: Rennis V. Ryan.
 - (B) 1435 Arlington Avenue, Titleholder: Top Enterprises, LC.
 - (C) 1621 Jefferson Avenue, Titleholder: Mary Alice J. Coplen; Mortgage Holder: Consec Finance Servicing Corporation.
 - (D) 1406 2nd Place, Titleholder: Stephen Clark, **(continued from October 25, 2004).**
 - (E) 7011 SW 16th Street, Titleholder: Jeanne Marie Meeker Nemetz; Mortgage Holder: Household Bank, FSB.

MOTION TO ADJOURN AT _____ P.M.

All-America City
1949 1976 1981 2003