

# DES MOINES CITY COUNCIL MEETING

November 22, 2004  
4:30 P.M.

## PROCLAMATIONS (4:00 P.M.)

World Aids Awareness Day

## RECOGNITIONS (4:00 P.M.)

Festival of Trees volunteers

Reno, Canine Corps Member

**INVOCATION:** Reverend Janette Scott  
Central 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

4. Approving Alcoholic Beverage License Applications for the following:

### NEW APPLICATIONS

(A)	TASTE OF THAILAND	215 E WALNUT ST	C
	Beer/Wine		

## RENEWAL APPLICATIONS

(B)	B & B SUPER MARKET Beer	2001 SE 6TH ST	C
(C)	CLUB 2000 Liquor	422 INDIANOLA AVE	C
(D)	DRAKE LIQUOR STORE Liquor	2106 FOREST AVE	E
(E)	FELIX & OSCARS Liquor	4050 MERLE HAY ROAD	C
(F)	FIESTA CANCUN MEXICAN REST Liquor	5118 SE 14TH ST	C
(G)	GINOS RESTAURANT & LOUNGE Liquor	2809 6TH AVE	C
(H)	HAPPY JOES PIZZA & ICE CREAM Beer	4743 SE 14TH ST	B
(I)	KUM & GO #208 Beer	3200 SE 14TH ST	C
(J)	KUM & GO #2722 Beer	2211 UNIVERSITY AVE	C
(K)	KUM & GO #2731 Beer	3104 UNIVERSITY AVE	C
(L)	LORI AND ROYS PLACE Liquor	2301 HUBBELL AVE	C
(M)	MR V'S Liquor	206 INDIANOLA AVE	C
(N)	ROYAL MILE Liquor	210 4TH ST	C
(O)	SKIPS Liquor	4000 FLEUR DR	C
(P)	SLEEPY HOLLOW SPORTS PARK Liquor	4051 DEAN AVE	C
(Q)	SMOKE SHOP Beer	1918 SE 14TH STREET	C
(R)	SUDSUCKERS Liquor	1511 E ARMY POST RD	C
(S)	VAUDEVILLE MEWS Liquor	212 4TH ST	C

4-I Approving Five Day Class C Liquor License for Foxboro, 3631 SW 61<sup>st</sup> Street for an event on December 2, 4004. Pending approval of Building, Electrical, Fire, Zoning and Vice Departments.

5. City Clerk to issue Coin Operated Machine Licenses.

## **PUBLIC IMPROVEMENTS**

6. Resolution Ordering Construction of Southeast Ridge Trunk Sanitary Sewer-Phase 1 – Receiving of Bids, (12-14-04), and Setting Date of Hearing, (12-20-04). (Construction Estimate - \$3,329,090).

7. Approving execution of Iowa Department of Transportation Agreement for 2<sup>nd</sup> Avenue (Iowa 415) and Douglas Avenue Traffic Signal Improvements.

[\(Council Communication No. 04-596\)](#)

8. Approving Iowa Department of Transportation Preconstruction Agreement for E. Sheridan Avenue-Morton Avenue-Boyd Street-E. Hull Avenue Noise Wall.

[\(Council Communication No. 04-594\)](#)

9. Approving Iowa Department of Transportation Change Order to Keo Way (Birds Run) Phase 1 Storm Sewer Outlet.

[\(Council Communication No. 04-597\)](#)

10. Approving Private Construction Contracts for the following:

- (A) Eco-Tech Construction, LLC and Scott Street Enterprises for Sanitary Sewer Improvements in E. Ovid Avenue and E. 14<sup>th</sup> Street.

- (B) Elder Corporation and 3031 Grand Condominiums LLC for Storm Sewer Improvements at 3031 Grand Avenue.

11. Approving completion and recommending acceptance of the following Private Construction Contracts for Park Place Plat 2, located at E. Park Avenue and SE 24<sup>th</sup> Street Court:

- (A) Eco-Tech Construction, LLC and Oaks Development for Street Improvements.

- (B) McAninch Corporation and Oaks Development for Sanitary Sewer Improvements.

- (C) McAninch Corporation and Oaks Development for Storm Sewer Improvements.

12. Approving completion and recommending acceptance of the following Private Construction Contracts for The Meadowlands Plat 2, located at East Indianola Avenue and Bloomfield Road:

- (A) Eco-Tech Construction and Oaks Development for Street Improvements PCC Paving Improvements.
  - (B) McAninch Corporation and Oaks Development for Sanitary Sewer Improvements.
  - (C) McAninch Corporation and Oaks Development for Storm Sewer Improvements.
13. Approving completion and recommending acceptance of the following Private Construction Contracts for Easter Lake Cove, located at Easter Lake Drive and SE 26<sup>th</sup> Court:
- (A) Eco-Tech Construction, LLC and Oak Mills L.C. for Street Paving Improvements.
  - (B) McAninch Corporation and Oak Mills L.C. for Sanitary Sewer Improvements.
  - (C) McAninch Corporation and Oak Mills L.C. for Storm Sewer Improvements.
14. Approving completion and recommending acceptance of the following Private Construction Contracts for proposed Three Lakes Estates Plat 4 Subdivision at Sweetwater Drive and SE 27<sup>th</sup> Street:
- (A) Sternquist Construction and Erickson Development, Inc. for Paving Improvements.
  - (B) Van Hauen & Associates, Inc. and Erickson Development, Inc. for Sanitary Sewer Improvements.
  - (C) Van Hauen & Associates, Inc. and Erickson Development, Inc. for Storm Sewer Improvements.
15. Approving completion and recommending acceptance of the following Private Construction Contracts between Eco-Tech Construction, LLC and Oaks Development Company for Easter Lake South Plat 2, located at East Payton Avenue and SE 31<sup>st</sup> Street:
- (A) Street Paving Improvements.
  - (B) Subgrade Improvements.

- (C) Sanitary Sewer Improvements.
  - (D) Storm Sewer Improvements.
16. Communication from The Waldinger Corporation requesting permission to sublet items on CBD Traffic Signal Upgrade.

### **SPECIAL ASSESSMENTS**

17. Levying assessment for cost of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:
- (A) Schedule No. 2004-12.
  - (B) Schedule No. 2004-59.
18. Approving deletion of special assessments for the following:
- (A) 2330 Dean Avenue – Schedule 2004-11.
  - (B) 2340 E. Walnut – Schedule 2004-10.

### **LAND/PROPERTY TRANSACTIONS**

19. Approve and accept real estate documents for the following:
- (A) 2243 Morton Avenue for the I-235 Sanitary Sewer Relocation Project – Group 4, \$2,515 plus closing costs.
  - (B) 4337 Park Avenue for the Park Avenue Widening Project, \$3,950 plus closing costs.
  - (C) 7420 SW 9<sup>th</sup> Street for the SW 9<sup>th</sup> Culvert Repair at Luster Lane Project, \$3,150 plus closing costs.
  - (D) 1540 East Diehl Avenue for the General Storm Water Utility Project, \$2 plus closing costs.
20. Accept real estate tax certificates from Polk County for property located near SW 9<sup>th</sup> Street and Indianola Road for the American Discovery Trail Project-Riverpoint Segment.

21. Authorization to proceed with right-of-way acquisition for Deans Lake Outlet Storm Sewer Project – Phase II.
22. Approving Certificate of Partial Completion for Airport Business Park Plats 1 & 2, Developed by ABC Partners, L.P.

[\(Council Communication No. 04-583\)](#)

23. Approving release of Subdivision Bond No. IAC 21642 from Merchants Bonding Company in amount of \$8,493 as security for completion of required improvements for PARK FOREST PLAT NO. 2.

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

24. Recommendation of Council Member Chris Coleman to appoint Marc R. Wallace to Seat 6 on the Plan and Zoning Commission to fill unexpired term of Robert Mahaffey commencing July 1, 2001 to expire July 1, 2005.
25. Approving the New Vision Neighborhood Association's Revised Bylaws including changing their name to Cheatom Park Neighborhood.

[\(Council Communication No. 04-604\)](#)

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

26. Regarding request from Dennis A. Murray, 2501 University Avenue, for vacation and conveyance of excess East 25<sup>th</sup> Street right-of-way, west of and adjoining subject property and east of the traveled way, subject to conditions.

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

27. On request from Neighborhood Development Corporation to rezone property north of East Grand Avenue between East 15<sup>th</sup> Street and East 16<sup>th</sup> Street from "C-2" General Retail and Highway Oriented Commercial District to "NPC" Neighborhood Pedestrian Commercial District, (12-6-04).

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

28. Approving payment of \$1,603.35 to Spiegel & McDiarmid for consultation and services to facilitate Economic Development, Community Revitalization, Homeland Security and related projects.
29. Approving payment of \$20,000 to Craig Wadsworth for injury sustained during course and scope of employment.

## **CITY MANAGER COMMUNICATIONS**

30. Regarding request from Barnes Properties that commercial tax abatement be extended to the "Airport Crossroads" development area located north of County Line Road on the west side of Fleur Drive, south of the Airport Commerce Park South Urban Renewal Area.

[\(Council Communication No. 04-603\)](#)

31. Submitting Traffic Regulation Changes as follows:
  - (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.

[\(Council Communication No. 04-593\)](#)

32. Regarding report on street signs for the Martin Luther King Jr. Parkway, (continued from October 25, 2004 Meeting).

## **APPROVING**

33. Publication of Concurrent Notice of Finding No Significant Impact and Intent to Request Release of Funds, and authorization to execute the Request for Release of Funds and Certification, for \$800,000 of Iowa State HOME funds for the East Village Square residential project.

[\(Council Communication No. 04-585\)](#)

34. Economic Development Loan Agreement with Protocol Driven Healthcare, Inc. to assist with relocation.

[\(Council Communication No. 04-590\)](#)

35. First Amendment to Development Agreement with Airport Commerce Park L.C. for a two-year extension regarding development of Airport Commerce Park South.

[\(Council Communication No. 04-584\)](#)

36. Fiscal Year 2004-2005 Annual Management Fee and Right-of-Way Management Program Budget.

[\(Council Communication No. 04-591\)](#)

37. Iowa Department of Transportation Property Lease Agreement for rental of bridge inspection vehicle for University Avenue Bridge over Des Moines River.

38. Professional Services Agreement with the Center for Transportation Research and Education for assistance in studying the impact of opening three downtown streets in the Court Avenue area to two-way traffic.

[\(Council Communication No. 04-592\)](#)

(A) Communication from the Court Avenue Business Association.

39. Amendment One to the Police Department's Neighborhood Based Service Delivery (NBSD) Project.

40. Receive and file communication from the Licensing and Appeals Board regarding a proposed change to the Plumbing Code.

41. Long-term Operation and Maintenance Agreement and associated property transaction costs for construction of "Des Moines Welcomes You" brick structure and landscaping at Highway 65/69 and Bloomfield Road as provided by South Side Revitalization Partnership.



[\(Council Communication No. 04-598\)](#)

- (A) Private Construction Contract between RL Wood Development Company and South Side Revitalization Partnership for construction of sign improvements.

- 42. Development of Soldiers Field (SE 22<sup>nd</sup> and Hartford Streets) for South Des Moines Little League and Regional Baseball Event use.

[\(Council Communication No. 04-600\)](#)

- 43. Employer VantageCare Retirement Health Savings (RHS) Plan Adoption Agreement for Supervisory, Professional and Management employees.

[\(Council Communication No. 04-589\)](#)

- 44. Bids from the following:

- (A) Wingfoot Commercial Tire Systems as the primary supplier and Bauer Built Tire as the secondary supplier for an annual contract with two additional one-year renewal options to furnish tire services to the Fleet Maintenance Center. (Six bids mailed, three received).
- (B) Medtronic Physio-Control as the sole area wide distributor for defibrillators to be compatible with existing equipment for use by the Fire Department, \$150,498.04.

[\(Council Communication No. 04-586\)](#)

- 45. Civil Service Entrance Lists for Senior Refuse Collector, Airport Field Maintenance Manager, and Accountant.

- 46. Finance Director to draw checks for check registers of November 24, and December 2, 2004; and to draw checks for bills of the Des Moines Municipal Housing agency for weeks of November 22 and November 29, 2004; and to draw checks for biweekly payroll due November 24, 2004.

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

## ORDINANCES - FIRST CONSIDERATION

47. Amending Section 26-42 of the Municipal Code regarding required separation between buildings to permit the entire width of a public right-of-way to be counted.

[\(Council Communication No. 04-588\)](#)

- (A) Final consideration of ordinance above, (waiver requested by the Community Development Director), requires 6 votes.
- (B) Declaring intent to maintain Vine Street between 3<sup>rd</sup> and 4<sup>th</sup> Streets as a permanent public right-of-way to permit the Science Center of Iowa garage to be constructed adjacent to the right-of-way.

## COUNCIL REQUESTS

48. From Council Member Michael Kiernan to discuss forming a Live Music Commission.

## COMMUNICATIONS/REPORTS

49. Petition from area property owners requesting speed control on E. 40<sup>th</sup> Court between Sheridan and Hull and a stop sign at E. 40<sup>th</sup> Court and Hull (4-Way).

## HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 50 THRU 56)

50. On items regarding the Drake University Stadium Renovation, **(and to continue all items to the December 6, 2004 Council meeting at 5:30 P.M.):**
- (A) Hearing on vacation of 28<sup>th</sup> Street from Forest to Clark.
- (1) Second consideration of ordinance above.
- (B) Hearing on vacation and conveyance of Clark Street from 27<sup>th</sup> to 28<sup>th</sup>.
- (1) Second consideration of ordinance above.
51. Items regarding the proposed rezoning of property east of E. 19<sup>th</sup> Street between Lyon and Des Moines Streets, (Council-initiated at request of Leachman Lumber Company):

- (A) Approving amendment to the Des Moines 2020 Community Character Land Use Plan to change the land described above from Low Density Residential to General Industrial classification.
  - (B) Hearing on proposed rezoning of the above property from “R1-60” (One Family, Low Density Residential) to “M-1” (Light Industrial).
  - (C) First consideration of an ordinance rezoning 4 lots owned by Leachman Lumber and the adjoining alley to Limited “M-1”, as recommended by the Plan and Zoning Commission.
  - (D) ALTERNATE RESOLUTION: First consideration of ordinance rezoning 9 lots, including 2 lots owned by Stanley Hines and Craig Leete, and the adjoining alley, to Limited “M-1”.
52. On request from Carl Guiffre on behalf of 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.
- (A) Resolution to DENY relief.
  - (B) ALTERNATE RESOLUTION: to GRANT relief.

[\(Council Communication No. 04-599\)](#)

53. On 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, (continued from November 8, 2004).
54. 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, and 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.
55. On Resolution of Necessity for the City Wide Paving Program for the following:

- (A) Paving of College Avenue from 56<sup>th</sup> Street to Merle Hay Road.
  - (B) Paving of Terrace Drive from 28<sup>th</sup> Street to Lincoln Place Drive.
  - (C) Paving of E. 28<sup>th</sup> Street from south of Dean Avenue to E. Grand Avenue.
  - (D) Alley between Penn and E. 8<sup>th</sup> Street from Buchanan to Fremont.
  - (E) Curb and Gutters on Urbandale Avenue from Merle Hay west to City limit.
  - (F) Authorization for acquisition of necessary right-of-way and easements.
56. On proposed connection fee ordinance for Southeast Ridge Area Trunk Sewer System Benefited District.

[\(Council Communication No. 04-595\)](#)

\*\*END HEARINGS AT \_\_\_\_\_ P.M.\*\*

#### **CITY MANAGER RECOMMENDATIONS**

57. Recommending Water Street, (formerly SW 1<sup>st</sup> Street), Bridge over the Raccoon River adjacent to Principal Park, be closed to vehicular travel and maintained for pedestrian and emergency vehicle travel only.

[\(Council Communication No. 04-602\)](#)

58. Regarding Preliminary Terms of Agreement with Nelson Development for economic development assistance for the Liberty Building and Equitable Building.

[\(Council Communication No. 04-601\)](#)

## BOARD OF HEALTH

### MOTION TO CONVENE.

### HEARING

1. On resolution to cause the removal of the garage structure located at 2124 E. 23<sup>rd</sup> Street by administrative process and to charge for the enforcement costs incurred in bringing an administrative removal action or to determine appropriate equitable action to be taken, Titleholder: Timothy Rough a/k/a Timothy Routh; Legal Interest Holders: Pauline Gentile, CitiFinancial, Inc., Aames Homes Loan, James McDonough, Janette McDonough and Mortgage Investor Services, LLC.

### AUTHORIZING

2. Court action to secure authority to cause the abatement of the following public nuisance structures:
  - (A) 1805 Allison Avenue, Titleholder: Michael Dooley.
  - (B) 3020 Bowdoin Street, Titleholders: Michael and June McClish.
  - (C) 1900 Francis Avenue, Titleholder: Thanh Nguyen; Mortgage Holder: CitiFinancial, Mortgage Company, Inc.
  - (D) 700 Gray Street, Titleholder: David Ellis.
  - (E) 1703 Mondamin Avenue, Titleholder: Patricia Woods; Mortgage Holder: Fairbanks Capitol Corporation.
  - (F) 1448 8<sup>th</sup> Street, Titleholder: Jader Akber; Mortgage Holder: ABN Mortgage Group, Inc.
3. The Engineering Department to cause the demolition of the structure at 973 27<sup>th</sup> Street, Titleholders: Lois A. Ousley a/k/a Lois A. Ousley Edwards and Michael Edwards; Mortgage Holder: U.S. Bank N.A.; Legal Interest Holder: Lederman Bonding Company and RM/US Bank.

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



All-America City  
1949 1976 1981 2003