

DES MOINES CITY COUNCIL MEETING

August 5, 2002 4:30 P.M.

SPECIAL PRESENTATIONS - 4:15 P.M.:

From Public Library of Des Moines Foundation to the City

PROCLAMATIONS - 4:15 P.M.:

- (a) National Kids Day
- (b) Korn Patch Clowns
- (c) Responsible Gaming Education Week

INVOCATION: Rev. William Stewart, Grace United Methodist Church

1. ROLL CALL:

1. Choose Des Moines Communities Progress briefing by Greater Des Moines Partnership.

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 51:

LICENSES AND PERMITS:

Approving

4. The following Beer/Liquor Applications:

NEW APPLICATIONS

- (1) La Casita Taco, 2327 Euclid Avenue, C Liquor.
- (2) Los Compadres, 1440 Maury Street, C Liquor.

(3) Varsity Cafe, 1229 25th Street, C Liquor.

RENEWAL APPLICATIONS

(4) Oakmoor Racquetball Healthclub, 4731 Merle Hay Rd., B Beer.

(5) Caseys General Store, 3527 Indianola Avenue, C Beer.

(6) Des Moines Asian Food, 1623 6th Avenue, C Beer.

(7) Drake Texaco, 3401 University Avenue, C Beer.

(8) Knudsons Valley Bait & Grocery, 2248 Valley Drive, C Beer.

(9) Phillips 66, 4402 Douglas Avenue, C Beer.

(10) Phillips 66, 2849 E Euclid Avenue, C Beer.

(11) QuikTrip #527, 1215 6th Avenue, C Beer.

(12) Tobacco Outlet Plus, 4821 SW 9th Street, C Beer.

(13) Croatian Fraternal Slavic Center, 6575 Indianola Avenue, C Liquor.

(14) El Patio Mexican Restaurant, 611 37th Street, C Liquor.

(15) Judge Roy Beans, 210 Court Avenue, C Liquor.

(16) PDS Pub, 3801 SW 9th Street, C Liquor.

(17) Toad Holler, 1820 E Army Post Rd., C Liquor.

(18) QuikTrip #527, 1215 6th Avenue, B Wine.

5. City Clerk to issue Coin Operated Machine Licenses.

6. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

7. Approving Union Pacific Railroad Company's request for abandonment and discontinuance of operations and authorizing City Manager to negotiate Right-of-way acquisition.

[\(Council Communication No. 02-425\)](#)

(A) Approving Change Order No. 2 with Eco-Tech Construction L.L.C. for additional work in conjunction with Indianola Avenue Connector subject to renegotiation of crossing equipment with Union Pacific Railroad \$63,730.

[\(Council Communication No. 02-424\)](#)

8. Approving Supplemental Agreement No. 4 with Shuck-Britson, Inc. in conjunction with 4th and Grand Parking Garage Renovation-Phase 2 - \$41,861.

[\(Council Communication No. 02-421\)](#)

9. Approving Change Order No. 1 with Hydro-Klean for additional work in conjunction with 401 SE 6th Street Chemical Removal, (Irwin Chemical Building) - \$22,489.75.

[\(Council Communication No. 02-420\)](#)

10. Approving professional services agreement with Snyder & Associates, Inc. (Stephen P. Rowe, President, Ankeny) for design of Bennett Avenue and Neirob Court/26th Street Closes Creek Storm Water Improvements, not to exceed \$390,838.

[\(Council Communication No. 02-423\)](#)

11. Resolution Ordering Construction of the following:

(A) Gay Lea Wilson Trail Phase III-B (Four Mile Creek Greenway Trail), Receiving of Bids (8-27-02), and Setting Date of Hearing, (9-9-02). (Construction Estimate - \$388,500).

[\(Council Communication No. 02-413\)](#)

(B) SW 12th Street Sanitary Sewer Repairs, Receiving of Bids (8-27-02), and Setting Date of Hearing, (9-9-02). (Construction Estimate - \$187,000)

(C) Sec Taylor Stadium Beam Repairs, Receiving of Bids (8-27-02), and Setting Date of Hearing, (9-9-02). (Construction Estimate - \$90,000).

(D) Beaver Avenue and Hickman Road Traffic Signals, Receiving of Bids (8-27-02), and Setting Date of Hearing (9-9-02). (Construction Estimate - \$115,182).

(E) 2007/09 Pleasant Street Sanitary Sewer Service Relocation, Receiving of bids, (8-13-02) and Setting Date of Hearing, (8-19-02), (Construction Estimate - \$35,000).

12. Accepting completed construction and approving final payment of 2001 Sidewalk Replacement Program, \$9,046.26 is now due and \$9,900.97 remaining balance payable at the end of 30 days.

13. Approving partial payments on twelve public improvement projects. (Call City Clerk's Office for listing).

SPECIAL ASSESSMENTS

14. Resolution levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) of the following:

(A) Schedule No. 2002-06.

(B) Schedule No. 2002-28.

(C) Schedule No. 2002-53.

(D) Schedule No. 2002-77.

LAND/PROPERTY TRANSACTIONS

15. Approving Lease Agreement with Iowa State Fair Authority for use of the following City properties for a fifteen day period during the 2002 Iowa State Fair:

(A) 705 SE 30th.

[\(Council Communication No. 02-409\)](#)

(B) 3300 SE Scott.

[\(Council Communication No. 02-414\)](#)

16. Approving Lease with I-80 Spaghetti Works, for sidewalk cafe at 310 Court Avenue, \$1144.50 per year.

[\(Council Communication No. 02-408\)](#)

17. Approve and accept real estate documents for 2600 SW 9th Street for Lincoln High School Bus Drop Off Lane Public Pedestrianway Project; closing costs only.

18. Approve and accept real estate documents for 8th Street and University Avenue for sanitary sewer relocation project, \$1.00 plus closing costs.

19. Approve and accept real estate documents for property located at 1011 Locust Street, for the Gateway West Project, \$1.00 plus closing costs.

20. Approve and accept real estate documents for property located at East Pine Avenue and East Indianola Avenue for the Easter Lake Retention Basin Project - Phase 2, \$1.00 plus closing costs.

21. Authorize payment of Condemnation Award for the partial acquisition and temporary

easement of property located at 1514-1526 Walnut Street for the 15th to 16th Street Connector Project, amount to be awarded on August 5th, plus sheriff's fees and jury expenses.

22. Approval of preliminary subdivision plat for REW PLACE, located at 2240 NE 46th Avenue, within the two mile jurisdiction of subdivision review by the City.

BOARDS/COMMISSIONS/NEIGHBORHOODS

23. Recommendation of Council Member Chris Hensley to appoint Danelle Theresa Stamps to the Historic District Commission (Seat #9) for a three-year term commencing October 18, 1999 to expire October 18, 2002.

24. Recommendation of Council Member Tom Vlassis to appoint Marvin Everett Kingery to the Zoning Board of Adjustment (Seat #4) for a five year term commencing April 1, 2001 to expire April 1, 2006.

STREET CLOSURES

25. Approving recommendation of Street Use Team (SUT) to close the following streets:

(1) Cheryl Tillinghast, representing Christ the King School, requesting permission to close SW 7th Street from North side of school driveway to E Wall Avenue on Sunday, August 25, 2002 from 10:30 AM to 1:30 PM for church mass.

(2) David Bagby, representing 45th Street Neighborhood, requesting permission to close 45th Street from Chamberlain to Kingman on Saturday, August 17, 2002 from 4:00 to 9:00 PM for a neighborhood block party.

(3) Robert Thomas, representing 46th Street Neighborhood, requesting permission to close 46th Street from Beavercrest to New York on Sunday, August 18, 2002 from 3:00 to 8:00 PM for a neighborhood block party.

(4) Angela Young, representing Mt. Hebron Church, requesting permission to close Forest Avenue from 9th to 10th Street on Saturday, August 17, 2002, raindate of Saturday August 24, 2002, from 10:00 AM to 4:00 PM for a kids carnival.

25. (5) Kevin Ruegsegger, representing Vilura Neighborhood, requesting permission to close Vilura Parkway from Lower Beaver to 33rd Street on Sunday, August 25, 2002 from 3:00 to 8:00 PM for a neighborhood block party.

(6) Mark McMahon, representing 47th Street Neighborhood, requesting permission to close 47th Street from Urbandale Avenue to Beavercrest on Saturday, August 17, 2002 from 5:30 to 11:00 PM for a neighborhood block party.

(7) Jane Dehaven, representing Grand View College, requesting permission to close Grandview Avenue from E 14th to E 13th Street on Sunday, August 25, 2002 from 12:00 to 8:00 PM for a

back to school picnic.

CITY PLAN COMMISSION RECOMMENDATIONS

26. Regarding request from Public Works Director for vacation of E. Grand Avenue between SE 37th and SE 38th Street.

27. Request from Public Works Director for vacation of E. Railroad Avenue between SE 14th Court and SE 15th Street, subject to easements.

28. Regarding request from Loyd W. Ogle, 1028 Polk Blvd., for vacation and conveyance of a 30' x 121.5' segment of street right-of-way from south side of Kingman that adjoins the property.

SETTING DATE OF HEARINGS

29. On request from 2300 University Avenue LLC, represented by Larry James Jr., for rezoning of property in the 2300 block of University and in the 1100 block of 23rd, north of 1154-23rd, from the Ltd "C-1" (Neighborhood Retail Commercial) and Ltd "C-2" (General Retail and Highway Oriented Commercial) to "NPS" (Neighborhood Pedestrian Commercial), (8-19-02).

(A) Recommendation from Plan and Zoning Commission regarding request to vacate and convey east 160' of the e/w alley between 23rd and 24th, south of University Avenue, (property owned by Drake University).

30. On sale of City-property for the following, (8-19-02):

(A) State of Iowa Department of Transportation, southern boundary of Botanical Center, at 909 E. Riverside Drive along I-235, \$11,493.

[\(Council Communication No. 02-412\)](#)

(B) Hallmark Homes, 6104 and 6108 Tonka Avenue, \$15,000.

[\(Council Communication No. 02-410\)](#)

(C) Larry Schlepfforst, 813-23rd Street, \$4,500.

31. On conveyance of a permanent easement on city property in the vicinity of Botanical Center-E. Riverside Drive, from I-235 to E. 6th, and east through Burke Park to E. 7th, to MidAmerican Energy, for underground gas line \$4,500, (8-19-02).

[\(Council Communication No. 02-411\)](#)

32. On conveyance of City-owned property to Dick and Peggy Herweh, 536 SE 27th Ct., \$4,600, (8-19-02).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

33. Approving payment of \$245.97 to Spiegel & McDiarmid Law Firm for services in conjunction with FAA concerns regarding Airport PILOT charge.

34. Approving payment of \$82.63 to Ahlers Law Firm for legal services in conjunction with the development of the Kiwanis Nature Island at Riverview Park.

35. Approving payment of \$506.55 to Ahlers Law Firm for legal services in conjunction with the acquisition of environmentally contaminated properties for the Martin Luther King Jr. Parkway Project (DICO).

CITY MANAGER COMMUNICATIONS

36. Submitting out-of-state travel requests for Carl Wycoff, Eric Moorman, Tom Vlassis, and William Stowe.

[\(Council Communication No. 02-403\)](#)

APPROVING

37. Items regarding the Masonic Temple Project, Downtown Preservation Partners, LLC.:

(A) Recommendation from Plan and Zoning Commission, recommending approval of request for vacation and lease of a portion of 10th Street.

(B) Setting Date of Hearing on vacation and lease of a portion of 10th Street, north of Locust, to be used for a Sidewalk Cafe, 5-year lease, \$1,000 per year, (8-19-02).

[\(Council Communication No. 02-419\)](#)

(C) Setting Date of Hearing on lease Agreement for previously vacated North/South alley, north of Locust, between 10th and 11th, to be used for an Outdoor Patio Cafe, \$1,356 per year, (8-19-02).

(D) Short-term Lease Agreement for City property at 1024 Grand, to be used as a parking lot, September 1, 2002 through February 28, 2003. \$1000 per month.

38. Request from Downtown Community Alliance on behalf of the Blood Center of Iowa to hang 30 banners in central downtown to promote the Blood Center of Iowa during the months of August and September 2002 and subsequent years.

39. Use of various City Facilities as poll sites for Precincts 31, 36, 60, 64, 82, and 83 for School Election to be held Tuesday, September 10, 2002.

40. Waiver of award of grant funds (\$63,582), and redirecting funds to the Polk County Decategorization Project, for implementation of juvenile justice accountability programs.

[\(Council Communication No. 02-404\)](#)

41. 2002 Local Law Enforcement Block Grant Award in the amount of \$243,451 and Special Conditions, establishment and appointment of Advisory Board and membership, acceptance of Advisory Board charge and approving proposed schedule of board events.

[\(Council Communication No. 02-407\)](#)

42. Grant Application to Prairie Meadows Racetrack and Casino to be used for senior and youth golf programs, construction of concession/restroom facility at Greater Des Moines Softball Park and construction of Premier Soccer Field at James W. Cownie Soccer Park.

[\(Council Communication No. 02-417\)](#)

43. Letter of Support for grant application from Meredith Neighborhood Association to Prairie Meadows Race Track and Casino Community Betterment Awards for playground equipment at Westchester Park - 50th and Twana.

44. Amendment No. One to Iowa Department of Economic Development Emergency Shelter Grant (ESG) to remove local authority match requirement of \$18,931.

45. Cooperative Agreement with United States Department of Housing and Urban Development (HUD) to provide \$88,944 for the Des Moines Human Rights Commission to process housing discrimination complaints and attend training as required by HUD.

46. Subordination agreement with Snag, L.L.C. for the second mortgage on the project site to loans from Neighborhood Finance in the amount of \$791,870 for equipment financing.

[\(Council Communication No. 02-426\)](#)

47. License for Signature Communications, to maintain 28 bus benches on public right-of-way.

48. Purchase of Cisco Systems maintenance agreements from Pomeroy Computer Resources (Dave Pomeroy, President) from ICN State of Iowa Contract number 00-110B for use by the Information Technology Department, \$84,416.

49. Bid from Fry & Associates (William Fry, President, North Kansas City, MO) for portable aluminum bleachers to be used at the James W. Cownie Soccer Park, \$30,588. (Thirteen bids

mailed, seven bids received).

(Council Communication No. 02-415)

50. Authorizing Finance Director to draw checks on the registers of August 9 and August 16, 2002; to draw checks for the bills of the Des Moines Municipal Housing for the weeks of August 5 and August 12, 2002; and to draw checks for biweekly payroll due employees on August 9, 2002.

ORDINANCES - FINAL CONSIDERATION

51. Amending Chapter 2 of the Municipal Code establishing position of Deputy City Clerk.

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

ORDINANCES - FIRST CONSIDERATION

52. Amending Section 70-84 of the Municipal Code, reducing distance to 200' from residence, to carry an uncased hunting bow.

53. Amending Chapter 114 of the Municipal Code regarding traffic regulations as follows:

- (1) Corner Clearance--East Side of 13th Street, South of Forest Avenue.
- (2) Corner Clearance--West Side of North Union Street, North and South of Hull Avenue.
- (3) Corner Clearance--East Side of 57th Street, North of Urbandale Avenue.
- (4) Four-Way Stop--Pleasant Street and 10th Street.
- (5) Four-Way Stop--Woodland Avenue and 24th Street.
- (6) Four-Way Stop--Woodland Avenue and 39th Street.
- (7) One-Way Street Operation--Geil Avenue, Westbound from SW 14th Street to SW 15th Street, and SW 15th Street, Southbound from Geil Avenue to Burnham Avenue, between the hours of 8:00 and 9:00 AM and 3:00 and 4:00 PM, on School Days.
- (8) Corner Clearance--East Side of SW 7th Street, North of Rose Avenue.
- (9) Parking Restriction--East Side of 9th Street, South of University Avenue.
- (10) Speed Limit Change--SW 42nd Street between SW Park Avenue and Watrous Avenue.

COUNCIL REQUESTS

54. Resolution from Council Members Brooks and Hensley regarding land use plan for the recently annexed area, population growth goals for the City and downtown housing.

COMMUNICATIONS/REPORTS

55. From John Morrissey, 2913 Oxford Street regarding the Upper Union Park Stormwater Separation Project.

56. From neighbors in the King/Irving and River Bend neighborhoods regarding the property at 1502 - 11th Street.

HEARINGS (Opened at _____ P.M.)(Items 57 thru 65)

57. On request from Grand View College, to rezone property at 1503 E. Hull Avenue, from "R1-60" (One Family Low Density Residential) and "R-3" (Multiple Family Residential) to "PUD" (Planned Unit Development), and approving PUD Concept Plan for the East Campus of Grand View College.

(A) First consideration of ordinance above.

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

58. On request from DM/Hickory Grove L.L.P. to amend the PUD Conceptual Plan for Hickory Grove Elderly Housing, 4010 E. 42nd Street to permit a forty unit multi-family residential complex for elderly residents.

(A) Resolution releasing covenant limiting sewer discharge on property at 4041 Hubbell.

59. On request from Stanbrough/Walters Land Development Company to rezone property at 5646 SE 36th Street from "R1-90" (Large Lot One-Family Residential) to "PUD" (Planned Unit Development) for Shoreline at Easter Lake, with a maximum of 47 single-family lots at a minimum width of 70', 52 townhome units and 72 condominium apartment units, (continued from 7-8-02).

(A) First consideration of ordinance above.

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

(C) Communication from Plan and Zoning Commission, finding amendment to the Des Moines 2020 Community Character Land Use Plan in conformance--revising the future land use description from Low Density to Low/Medium Density.

60. On 30 day suspensions of Cigarette Permits for Central City Liquors, 1451 2nd Avenue, and Hy Vee, 3221 SE 14th Street, for selling cigarettes to minors.

61. On assessment of \$300 penalties to ten cigarette permittees for violation of Iowa Cigarette

Laws, selling to minors.

62. On 11th/12th Streets Connector Traffic Signals: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Baker Electric, Inc. (Britt Baker, CEO, DSM), \$453,462.

(A) Approving contract and bond, and permission to sublet.

63. Traffic Signal Interconnection Projects (IDOT Project)--Grand, Ingersoll, and University Avenues; Northeast Area; Northwest Area; 2nd and 6th Avenue Corridors: Approving submission of bids and designating lowest responsible bidder as J.F. Edwards Construction Co., (John Edwards, President, Geneseo, IL), \$1,549,975.

(A) Approving contract and bond.

64. On Fleur Drive Resurfacing from McKinley north to Railroad Viaduct (north of Bell Avenue) - IDOT Project: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Des Moines Asphalt & Paving Co., (Jim Gauger, President, DM), \$830,421.72.

[\(Council Communication No. 02-422\)](#)

(A) Approving contract and bond, and permission to sublet.

65. On resolution to REJECT all bids and close hearing on the Ashby Park Water Playground, (one bid received -over estimate), will be rebid at a later date.

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

CITY MANAGER RECOMMENDATIONS

66. Regarding expansion of Pioneer-Columbus/Southeast ten year residential tax abatement area to include Old Washington School site at 2 Hartford Avenue.

[\(Council Communication No. 02-418\)](#)

APPROVING

67. Receipt of communication from Library Director, on behalf of the Public Library's Building Committee, submitting Schematic Design for the new Central Library.

[\(Council Communication No. 02-406\)](#)

68. Agreements for consolidation of Equitable of Iowa (ING) Office functions at 909 Locust:

(A) \$500,000 CEBA Agreement with State of Iowa.

[\(Council Communication No. 02-405\)](#)

(B) \$400,000 City Forgivable Loan.

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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

August 5, 2002

MOTION TO CONVENE

AUTHORIZING

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

(A) 814 Clinton Avenue (vacant) Titleholder: Administrator of Veteran Affairs, Attn: Vivian Sheesley, Property management.

(B) 4035 Indianapolis Avenue (vacant) Titleholder: Faisal Alsafar.

2. Engineering Department to remove the following structures:

(A) 1016 Forest, Titleholder: Faisal Alsafar, Contract Buyer, Odale Terry Morning Star Youth Center, (continued from 7-22-02).

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

(C) 1218 21st Street, Titleholder: Forest Avenue Gospel Temple.

MOTION TO ADJOURN AT _____ P.M.