

**DES MOINES CITY COUNCIL MEETING**

**August 9, 2004 4:30 PM**

**SPECIAL PRESENTATIONS (4:10 PM)**

Recognition of U.S.-Ukraine Community Partnership Business Group.

Recognition of graduating seniors on the Youth Advisory Board.

**INVOCATION:** Rev. Janette Scott  
Central Presbyterian Church

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

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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.**

- 3. APPROVING CONSENT AGENDA – items 3 through 42:

**LICENSES AND PERMITS**

- 4. Approving Alcoholic Beverage applications for the following:

**NEW APPLICATIONS**

(A)	25TH STREET CAFE Liquor	1229 25TH ST	C
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**RENEWAL APPLICATIONS**

(B)	AMF DES MOINES LANES Liquor	3839 E 14TH ST	C
(C)	HELEN & PATS RESTAURANT Liquor	209 EUCLID AVE	C
(D)	JAZZY WILLYS Liquor	5715 DOUGLAS AVE	C
(E)	JUDGE ROY BEANS Liquor	210 COURT AVE	C

(F)	KNUDSONS VALLYE BAIT & GROCERY	2248 GEORGE FLAGG PKWYC	
	Beer		
(G)	OAKMOOR RACQUETBALL HEALTH CTR	4731 MERLE HAY RD	B
	Beer		
(H)	PAL JOEYS	6224 GRAND AVE	C
	Liquor		
(I)	SUDS ON 2 <sup>ND</sup>	2801 2ND AVE	C
	Liquor		
(J)	TNT VIETNAMESE RESTAURANT	3452 M. L. KING J PKWY	B
	Beer		
(K)	WAVELAND COFFEE SHOP	4704 UNIVERSITY AVE	C
	Liquor		
(L)	WINE ETC	555 WALNUT ST	B
	Wine		
(M)	YO YOS BAR & GRILL	2400 DEAN AVENUE	C
	Liquor		

#### **OUTDOOR SERVICE APPLICATIONS**

(N)	COURT AVENUE BREWING COMPANY	309 COURT AVE	C
	Liquor		
	Temporary outdoor service in conjunction with Central Iowa Blues Festival on September 5, 2004. Pending approval of Building and Fire Departments.		

#### **SPECIAL EVENT APPLICATIONS**

(O)	RACCOON RIVER BREWING CO.	200 10TH ST	C
	Liquor		
	Five-day license in conjunction with Pro Disc Golf tournament on August 14, 2004.		
(P)	SCIENCE CENTER OF IOWA	4500 GRAND AVE	C
	Liquor		
	Five-day license for fundraising event on August 27, 2004. Pending approval of Fire Department.		

### **PUBLIC IMPROVEMENTS**

5. Ordering construction of the following:

- (A) Four Mile Trunk Replacement Sewer – Receiving of bids, (8-31-04), Setting date of hearing (9-13-04), (Construction estimate \$150,295).
- (B) Blank Park Zoo Entrance Modifications – Receiving of bids, (8-31-04), Setting date of hearing (9-13-04), (Construction estimate \$48,000).
- (C) Beaver and Adams Avenues Sanitary Sewer Relocation – Receiving of bids, (8-31-04), Setting date of hearing (9-13-04), (Construction estimate \$51,650).
- (D) Easter Lake Retention Basins – Basin 9 – Receiving of bids, (8-31-04), Setting date of hearing (9-13-04), (Construction estimate \$630,410).

- (E) Easter Lake Retention Basins Wetland Mitigation - – Receiving of bids, (8-31-04), Setting date of hearing (9-13-04), (Construction estimate \$302,000).
6. Approving Iowa Department of Transportation Preconstruction Agreement for the 63<sup>rd</sup> Street Bridge and approaches reconstruction.
- [\(Council Communication No. 04-395\)](#)
7. Approving Iowa Department of Transportation Agreement for the Union Railroad Bridge Renovation, \$3,200,580.
- [\(Council Communication No. 04-394\)](#)
8. Approving Professional Services Agreement with Shuck-Britson, Inc. for 5<sup>th</sup> & Walnut Parking Garage rehabilitation design and construction phase services, not to exceed \$80,000.
- [\(Council Communication No. 04-400\)](#)
9. Accepting completed construction and approving final payment for the following:
- (A) 5<sup>th</sup> and Walnut Parking Garage Emergency Shoring, Cramer & Associates, Inc.
- (B) 5<sup>th</sup> and Walnut Parking Garage Emergency P/T Repair, Western Waterproofing Co., Inc.
- (C) 6<sup>th</sup> Avenue & Locust Street Emergency Sanitary Sewer Repair, VanHauen & Associates, Inc.

#### **SPECIAL ASSESSMENTS**

10. Approving deletion of NAC-Emergency Assessment at various locations.

#### **LAND/PROPERTY TRANSACTIONS**

11. Real estate documents for property at 5301 Park Avenue, for the Park Avenue Widening Project, \$ 10,135 plus closing costs.
12. Establishing fair market value and authorizing acquisition of property for the Des Moines River Outfall and Overflow Project, \$18,000 plus closing costs.

13. Real estate documents for property at 5523 McKinley Avenue, for the Airport Runway 13R/31L Project, \$ 195,000 plus closing costs.
14. Real estate documents for property at 1521 University Avenue, closing costs only.
15. Real estate documents for property at Drake Stadium, for the Clark Street – 27<sup>th</sup> to 29<sup>th</sup> Streets Storm Sewer Improvements Projects, \$3 plus closing costs.
16. Real estate documents for property at 1800 SE 37<sup>th</sup> Street, for the Agrimergent Technology Park Project, \$65,000 plus closing costs.
17. Authorizing payment of condemnation award for the acquisition of property north of Thomas Beck Road between vacated SW 12<sup>th</sup> Street and SW 7<sup>th</sup> Street for the American Discovery Trail-Riverpoint Segment Project, \$272,400 plus Sheriff's fees and jury expenses.

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

18. Communication from Ann Reinhart advising of her resignation from the Access Advisory Board (Seat 10) effective immediately.
19. Communication from Irene Hardisty advising of her resignation from the Public Housing Board (Seat 3) effective immediately.
20. Recommendation of Mayor Frank Cownie to appoint Susan Voss to Seat 3 on the Library Board of Trustees for a six-year term commencing July 1, 2004 to expire July 1, 2010.

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

21. On sale of City property at 1515 and 1519 Stewart Street, to Jack and Julie Brooks, \$7,200, (8-23-04).

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

22. Approving payment of \$15,277.03 to Spiegel and McDiarmid Law Firm for services in conjunction with Brownfields Showcase Community, federal funding, Riverpoint West Redevelopment and related matters.
23. Approving payment of \$1,596.06 to William Jenkins and law firm of Myers & Jenkins for representation of the City in the UAL Corporation bankruptcy.

## **CITY MANAGER COMMUNICATIONS**

24. Submitting traffic regulation change for parking restriction modifications due to new construction-2<sup>nd</sup> Avenue between Court Avenue and Vine Street.

[\(Council Communication No. 04-396\)](#)

25. Regarding redevelopment of City-owned parcels, south of Court Avenue, and proposed schedule for consideration of a developer-initiated proposal expected from Court Avenue Partners, L.P., and any competing proposals.

[\(Council Communication No. 04-401\)](#)

26. Submitting out-of-state travel requests for Garry Fuller, Jr., LaVonne Miles, Vicky Long-Hill, Leonard Murray, Eric Moorman, Janell Hampton, Lauren Palmer, Kristin Tuttle, Jeff Cronin and Tim Morgan.

[\(Council Communication No. 04-384\)](#)

## **APPROVING**

27. Notice of Finding of No Significant Impact (FONSI) and Intent to Request Release of Funds (RROF) and Certification for \$650,000 of Iowa State HOME funds for The Rose of Des Moines (1918 Forest Avenue).

[\(Council Communication No. 04-390\)](#)

28. Amended grant agreement by and between HUD for grant award of HOME Investment Partnership and American Dream funding for implementation of 2004 HUD Consolidated Plan.

[\(Council Communication No. 04-385\)](#)

29. Acceptance of 2003-2004 Weed & Seed grant award of \$225,000 from Executive Office for Weed & Seed (EOWS).

30. Resetting the date of hearing to execute a 50-year lease with Nelson Development LLC for the construction of a privately owned parking structure available for public use on City-owned property at 101 SW 4<sup>th</sup> Street, (9-13-04).

[\(Council Communication No. 04-403\)](#)

31. Annual report from the Greater Des Moines Public Art Foundation.

32. Agreement with Principal Life Insurance Company, Principal Financial Group Foundation, Inc. and Greater Des Moines Baseball Co. (GDMB) in which the Foundation will donate \$2,500,000 to the City for the design and construction of improvements to Sec Taylor Stadium and the City and GDMB will agree to rename the stadium "Principal Park".

[\(Council Communication No. 04-404\)](#)

33. Agreement with Russell Construction Company for donating a portion of the work necessary for restoration of Sylvan Theater in Greenwood Park.

[\(Council Communication No. 04-392\)](#)

34. Applications to the Iowa Department of Transportation for traffic safety funds to cover a portion of construction costs for the following projects:

- (A) E. 14<sup>th</sup> Street and Hull Avenue Widening and Signalization.
- (B) SW 9<sup>th</sup> Street at Park and Bell Avenues – Traffic Signal Visibility Improvements.
- (C) 2<sup>nd</sup> Avenue and Madison Avenue Intersection Traffic Signal Upgrade.

[\(Council Communication No. 04-399\)](#)

35. Lease Agreement and Addendum with Southridge Mall for rental of meeting and training area for classes for new drill school applicants of the Fire Department from August 10, 2004 until December 24, 2004, \$4,133.

[\(Council Communication No. 04-402\)](#)

36. Advanced Data Processing, Inc. to provide ambulance service billing for a three-year period beginning October 1, 2004 with the option of two one-year renewals.

[\(Council Communication No. 04-405\)](#)

37. Lease Agreement with State Fair Board for overflow trailer parking at 705 SE 30<sup>th</sup> Street from August 9 – 24, 2004.

(Council Communication No. 04-391)

- 38. Acceptance of Supplemental Project Safe Neighborhoods (PSN) Grant Award, \$50,000.

(Council Communication No. 04-393)

- 39. Bid from Pomeroy IT Solutions per State of Iowa Contract 00-110B for CISCO Systems maintenance agreements for existing network equipment to be used by the Information Technology Department, \$87,020.50.
- 40. Civil Service Entrance List for Project Coordinator, Senior Accountant, and Promotional List for Senior Clerk.
- 41. Authorizing the Finance Director to draw checks for the registers of August 12 and August 19, 2004; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of August 9 and August 16, 2004; and to draw checks for biweekly payroll on August 20, 2004.

**ORDINANCES - SECOND CONSIDERATION**

- 42. Amending Chapter 22 of the Municipal Code regarding powers and responsibilities of the Des Moines International Airport Board.
  - (A) Final consideration of ordinance above, (waiver requested by Airport Board), requires 6 votes.

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

**ORDINANCES - FIRST CONSIDERATION**

- 43. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
  - (A) Parking restrictions to include newly constructed areas of Sweetwater Drive.
  - (B) Parking restriction - east side of SW 38<sup>th</sup> Place from Park Avenue north to and including the cul-de-sac.

## COMMUNICATIONS/REPORTS

44. From Kurt Just, 3017 Park Plaza Drive, regarding false alarm charges.
45. From Debbie Heath, 1919 Thornton Court, regarding changing parking back to the North side of her street.
46. From John Harvey, 1102 – 21<sup>st</sup> Street, regarding Municipal Code Section 42-Nuisance Ordinances.
47. From Joanne Saylor, 1823 Allison Avenue, regarding nuisance abatement and costs for clean-up on her property.

## HEARINGS (Open at \_\_\_\_\_ PM) (Items 48 thru 55)

48. On items regarding request from Walden Point, L.P., to rezone property at 1200-4<sup>th</sup> Street, to allow for 60 dwelling units of affordable assisted living apartments:
  - (A) Recommendation from City Plan and Zoning Commission regarding amendment to the Des Moines 2020 Community Character Plan for future land use designation.
  - (B) Hearing to rezone property from “R1-60” (One-Family Low-Density Residential) and “NPC” (Neighborhood Pedestrian Commercial), to “PUD” (Planned Unit Development).
  - (C) First consideration of ordinance above.
  - (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
49. On request from Denny Murray Cars, Inc. to rezone 2501 E. University Avenue from “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway Oriented Commercial). (City Plan and Zoning Commission recommends **DENIAL**).
50. On conveyance of North/South alley right-of-way between Granger Avenue and Dunham Avenue and between Indianola Road and South Union Street to Chad Ogle, \$1,300.
51. On request from Beth Rohwedder, 3011 Fox Hollow Circle, to amend the “R-6” Preliminary Development Plan for Park at Southern Hills and the Final Development Plan for Sanctuary at Southern Hills to allow a 14’ X



13' enclosed porch addition and a 13'-3" X 14' open deck to north side of townhome.

52. On Voluntary Annexation of territory at 3930 SE 72<sup>nd</sup> Avenue, (approximately 217 acres), and to continue to September 13, 2004 at 5:30 P.M.
53. On Greenhouses at Chesterfield: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, to receive and file bids, and to continue to August 23, 2004 at 5:30 P.M.
54. On East 30<sup>th</sup> Street Resurfacing from Dean Avenue North 0.5 mile to Maple Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Des Moines Asphalt & Paving Company, (James Gauger, DSM), \$181,647.50.
  - (A) Approving contract and bond and permission to sublet.
55. On Glendale Cemetery 2004 HMA Overlay: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (J.M. Yonker, President, Grimes), \$44,475.
  - (A) Approving contract and bond.

END HEARINGS AT \_\_\_\_\_ PM

## **BOARD OF HEALTH**

MOTION TO CONVENE.

## **HEARING**

1. On resolution to cause the removal of the structure at 2810 Des Moines 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: Ruby O. Goforth; Mortgage Holders: Bank One and ABN Mortgage Group, Inc.

## **AUTHORIZING**

2. Court authority to abate the public nuisance at the following locations:
  - (A) 3012 Carr Street, Titleholder: Andrea Warburton.

- (B) 401 Forest Avenue, Titleholder: Jerome Schmitt and Josephine Schmitt; Contract Buyers: William Clark and Daelene L. Clark.
  - (C) 2211 Lyon, Titleholder: Equity One, Inc.; Contract Buyers: James Studer.
3. Engineering Department to remove the garage structure at 2024 E. Washington Avenue, Titleholder: Evelyn Cortez.
  4. Release of fire escrow accounts for the following structures:
    - (A) Release of demolition cost reserve held by Allied Insurance regarding property known as 2437 SW 7<sup>th</sup> Street held under claim number 14q63057 insured by the Jill Junkin Estate.
    - (B) Release of demolition cost reserve held by GAB Robins North America, Inc. regarding property known as 1047 19<sup>th</sup> Street held under claim number 56018-46729 insured by Kingsway Cathedral.
    - (C) Release of demolition cost reserve held by State Farm Insurance Companies regarding property known as 1212 21<sup>st</sup> Street held under claim number 15-D043-317 insured by Stacie Mitchell.
  5. Request for consideration of extension of time to complete renovation of structure at 1120-21<sup>st</sup> Street.

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

All-America City  
1949 1976 1981 2003