

DES MOINES CITY COUNCIL MEETING

October 7, 2002 4:30 P.M.

JAZZ MUSIC PRESENTATION - 3:45 P.M.:

PROCLAMATIONS - 4:15 P.M.:

- (A) Des Moines Jazz History Day
- (B) Italian Heritage Month
- (C) National Javits-Wagner-O'Day Week
- (D) White Cane Safety Day

SPECIAL PRESENTATIONS - 4:15 P.M.:

Open World Russian Leadership Program 2002

INVOCATION:

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 48:

LICENSES AND PERMITS:

Approving

4. The following Beer/Liquor Applications:

NEW APPLICATIONS

- (1) Loco Joes, 4100 Merle Hay Rd., B Beer.
- (2) Hoppers, 2515 Wedgewood Rd., C Liquor.
- (3) Des Moines Club, 666 Grand Avenue, A Liquor.

RENEWAL APPLICATIONS

- (4) Campbells Concessions, 3000 E Grand Avenue (Tourism Building), B Beer.
- (5) Campbells Concessions, 3000 E Grand Avenue (Pavillion), B Beer.
- (6) Apex Oil, 1200 SE 30th Street, C Beer.
- (7) Best Food Mart, 4028 E 14th Street, C Beer.
- (8) Git-N-Go Store #33, 865 42nd Street, C Beer.
- (9) Kartars Mini Mart, 3761 E University Avenue, C Beer.
- (10) Arirang Restaurant, 5514 Douglas Avenue, C Beer/Wine.
- (11) Fleur Cinema & Cafe, 4545 Fleur Drive, C Beer/Wine.
- (12) Robins Wood Oven Grill, 6401 SE 14th Street, C Beer/Wine.
- (13) Taste of Thailand, 215 E Walnut Street, C Beer/Wine.
- (14) Blues on Grand, 1501 Grand Avenue, C Liquor.
- (15) Buzz, 214 3rd Street, C Liquor.
- (16) Drake Diner, 1111 25th Street, C Liquor.
- (17) G T Race Car Bar, 3013 Ingersoll Avenue, C Liquor.
- (18) Joe and Bettys, 1225 E 30th Street, C Liquor.
- (19) West End Lounge, 2309 Forest Avenue, C Liquor.
- (20) Zimms, 3124 Ingersoll Avenue, C Liquor.

TRANSFER TO NEW LOCATION

(21) Blues on Grand, 1501 Grand Avenue, C Liquor License. Temporary transfer from 1501 Grand Avenue to 400 4th Street (Kirkwood Civic Center Hotel) on October 19, 2002 for the Central Iowa Blues Association Tenth Anniversary Celebration. Pending Building inspection.

5. City Clerk to issue Coin Operated Machine Licenses.

6. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

7. Approving Amendment No. 1 to agreement with Veenstra & Kimm, Inc. to perform design phase services in conjunction with Bird's Run Combined Sewer Improvements, not to exceed \$94,467.

[\(Council Communication No. 02-523\)](#)

8. Approving Iowa Department of Transportation Addendum to Predesign Agreement for design and reconstruction of I-235 to allow I-235 inspection and materials testing for sanitary sewer relocation and storm sewer outlet work.

[\(Council Communication No. 02-527\)](#)

9. Approving execution of an agreement for closing an areaway at 501 E. Locust Street with Preservation Properties, L.L.C.

[\(Council Communication No. 02-528\)](#)

10. Approving Supplemental Agreement No. 2 with Veenstra & Kimm, Inc. to perform design services in connection with the Combined Sewer Overflow Metering Installation, not to exceed \$49,500.

[\(Council Communication No. 02-529\)](#)

11. Approving Private Construction Contracts for Brook Run Village Plat 8 as follows:

(A) Construction of Sanitary Sewer Improvements between McAninch Corporation, (Douglas D. McAninch, President), contractor and Brook Run L.C., (Tom Gratias, President), Owner, \$95,046.

(B) Construction of Storm Sewer Improvements between McAninch Corporation, (Douglas D.

McAninch, President), contractor and Brook Run L.C., (Tom Gratias, President), Owner, \$103,716.

(C) Construction of Sanitary Sewer Improvements between McAninch Corporation, (Douglas D. McAninch, President), contractor and Rottlund Homes, (Steve Thies, President), Owner, \$78,113.80.

12. Approving private construction contract between The Underground Company, Ltd. (Duane Burkhardt, President, contractor) and Electro-Management, Inc. (Britt Baker, President, Owner) for construction of storm sewer improvements for an extension from South Union and Livingston Streets to 1411 & 1419 SW 1st Street to serve new Baker Electric Company Warehouse, \$47,221.15.

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

14. Accepting completed construction and approving final payment of the following:

(A) E. 14th Street and E. University Avenue Traffic Signal Upgrade, \$5,133.80 is now due and \$7,255.00 remaining balance payable at the end of 30 days.

(B) 401 SE 6th Street (Irwin Chemical Building) Asbestos Removal, \$636.73 is now due and \$1,675.60 remaining balance payable at the end of 30 days.

(C) Mac Rae Park Restroom, \$4,794.77 remaining balance payable at the end of 30 days.

SPECIAL ASSESSMENTS

15. Delete Sidewalk Repair, Replace and Reconstruct Assessment on Schedule No. 2002-33, Certificate No. 04-08293-00 in amount of \$654.44 against property at 1531 E. 12th Street, (assessment issued in error).

16. Deletion of NAC - Emergency Order Special Assessment on Schedule No. 2002-06, Certificate No. 00-08930-00 in an amount of \$476.66 against property at 1602 M. L. King Jr. Parkway, (assessment paid in full).

LAND/PROPERTY TRANSACTIONS

17. Authorizing acquisition and relocation of property for the Agrimergent Technology Park Project - Phase 1 by gift, negotiation, or condemnation, \$1,800,000 plus closing costs.

[\(Council Communication No. 02-535\)](#)

18. Approve and accept real estate documents for property located at 901 East Park Avenue (Des

Moines Independent Community School District) for the SE 8th Storm Sewer Replacement Project, \$1.00 plus closing costs.

19. Approving Tax Abatement Application for additional value added by improvements to 2712 River Ridge Road completed in 2001.

[\(Council Communication No. 02-533\)](#)

20. Approval of final subdivision plat entitled AIRPORT BUSINESS PARK PLAT NO. 2 located east of Register Drive along Gannett Avenue.

BOARDS/COMMISSIONS/NEIGHBORHOODS

21. Recommendation of Mayor Preston Daniels to reappoint Shirley Daniels to Seat 2 on the City Plan Commission for a five year term commencing July 1, 2002 to expire July 1, 2007.

22. Recommendation of Council Member Archie Brooks to reappoint Steven Oberbroeckling to Seat 7 on the Access Advisory Board for a four year term commencing June 15, 2002 to expire June 15, 2006.

23. Recommendation of Mayor Preston Daniels to appoint Sachiko Tamura Murphy to Seat 3 on the Sister Cities Commission for a five year term commencing April 28, 2002 to expire April 28, 2007.

24. Communication from Emily Donovan advising of her resignation from the Licensing and Appeals Board, Seat 15, effective September 30, 2002.

25. Communication from Jean Bodenstedt advising of her resignation from the Public Housing Board, Seat 2, effective September 26, 2002.

STREET CLOSURES

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

(1) Kay Runge, representing Public Library of Des Moines, requesting permission to close 11th Street from Grand Avenue to Locust Street on Thursday, October 25, 2002 at 12:00 noon to Saturday, October 26, 2002 at 6:00 PM for groundbreaking of new central library.

(2) Jesse Macro, representing Kingman Neighborhood, requesting permission to close Kingman Avenue from 57th Street to 58th Street on Saturday, October 19, 2002 from 4:00 PM to 6:30 PM for a neighborhood block party.

(3) Jim Worley, representing Lincoln High School Band, requesting permission to close SW 12th from Bell to Davis, Davis from SW 12th to SW 11th, Bell from SW 9th to SW 12th, SW 11th from Davis to Kirkwood on Saturday, October 19, 2002 (Raindate of Thursday, October 24,

2002) from 8:00 AM to 6:00 PM for state marching band contest.

CITY PLAN COMMISSION RECOMMENDATIONS

27. Regarding Architectural Advisory Committee's recommendation for the Fleur Drive Beautification Project.

SETTING DATE OF HEARINGS

28. On annexation of property south of Hubbell Avenue and west of NE 43rd Court, (10-21-02):

(A) 100% Voluntary Annexation.

(B) Voluntary Annexation including non-consenting properties.

29. On Zoning Ordinance amendment regarding fences allowed on properties designated for single- and two-family use in "PUD" and "R-6" Districts, to clearly require every plan to identify fences allowed, (10-21-02).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

30. Approving payment of \$282.49 to Myers & Jenkins for representation in the Trans World Airlines, Inc. bankruptcy.

31. Approving payment of \$274.95 to Ahlers Law Firm for services in conjunction with the development of Kiwanis Nature Island at Riverview Park.

32. Approving payment of \$88.00 to Ahlers Law Firm for services in conjunction with acquisition and litigation regarding environmentally contaminated properties for the Martin Luther King Jr. Parkway Project (DICO).

33. Approving payment of \$7,875.30 from Duncan, Green, Brown, Langeness & Eckley for representation of the City in matters relating to the airport parking garages.

34. Approving settlement agreement with Kenneth Danley.

CITY MANAGER COMMUNICATIONS

35. Submitting out-of-state travel requests for Michael Armstrong, Tim Campbell and Eric Anderson.

[\(Council Communication No. 02-519\)](#)

APPROVING

36. City of Des Moines 2002 Equal Opportunity Report and the Affirmative Action Annual Work Plan submitted by the Human Resources Department.

[\(Council Communication No. 02-531\)](#)

37. LIHEAP contract with Iowa Department of Human Rights/Division of Community Action Agencies for energy related assistance for low-income persons from October 1, 2002 to September 30, 2003.

38. Award Modification of \$1,157,508 for the Des Moines Enterprise Community School-to-Work Program, extending the project from September 30, 2002 to December 31, 2002.

39. Bid from O'Halloran International (Jim O'Halloran, President) for two 35,000 GVW trucks to be used by the Wastewater Reclamation Facility, \$182,637. (Seven bids mailed, three bids received).

40. Civil Service Entrance List for Fire Chief.

41. Authorizing Finance Director to draw checks on check registers of October 11 and October 18, 2002; and for bills of the Des Moines Municipal Housing Agency for the weeks of October 7 and October 14, 2002.

ORDINANCES - FINAL CONSIDERATION

42. Amending Chapters 74 and 114 of the Municipal Code regarding Multi-use Recreational Trails.

(A) Approving Multi-Use Recreational Trails Maps.

43. On vacation of the following City property:

(A) Grand to Locust, 11th to 12th, for the Library.

(B) Grand to Locust, 12th to 13th, for the Higher Education Learning Center.

44. Amending Chapter 98 of the Municipal Code regarding charges for collection of solid waste at multiple family dwellings.

45. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

(1) Corner Clearance-West Side of SW 60th Street, North of Muskogee Avenue.

(2) Repeal 20-Ton Load Limit-SW 9th Street Viaduct over Martin Luther King, Jr. Parkway.

ORDINANCES - SECOND CONSIDERATION

46. On Zoning Ordinance amendments regarding use of barb wire and electric fences.

47. On vacation of a portion of E. Railroad Avenue right-of-way.

48. On vacation of E. Granger Avenue right-of-way between SE 37th and SE 38th Street.

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

ORDINANCES - FIRST CONSIDERATION

THIS ITEM WILL BE CONSIDERED AT 5:30 PM

49. [Amending Chapter 26 of the Municipal Code regarding real estate installment contract sales inspection.](#)

A. Recommendation from the Neighborhood Revitalization Board

50. Amending Chapter 26 of the Municipal Code regarding frequency of inspections and fees for inspection of rental dwellings.

[\(Council Communication No. 02-520\)](#)

51. Actions regarding reorganization of the Urban Development Board:

(A) Receive and file letter from the State Historical Society of Iowa regarding the City's regulation of Local Landmarks.

(B) Final consideration of ordinance creating a new Urban Design Review Board, and Skywalk Committee, to perform duties formerly performed by the Urban Development Board and Architectural Advisory Committee, (amended to delay effective date until quorum is appointed to the board).

(C) Assigning terms, qualifications and responsibility for appointment of members to the Urban Design Review Board and Skywalk Committee.

(D) First consideration of ordinance changing the name of the Historic District Commission to Historic Preservation Commission and amending required qualification and training of its members.

[\(Council Communication No. 02-524\)](#)

(E) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.

COMMUNICATIONS/REPORTS

52. Communication and petition regarding activity in and around R & R Lounge, 1018 E. 12th Street, and request that it be closed.

53. From Aly Olson, 3001 Summit Vista Drive, to present a short speech promoting Des Moines.

54. Gerry Rowland, 3521 Franklin Avenue, regarding safety improvements at Scott Avenue Dam, large object trash pick-up at Harriet Street Dam and endorsement of the Des Moines River Water Trail.

HEARINGS (Opened at _____ P.M.) (Items 55 thru 60)

55. On Waveland Golf Course Cart Paths: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Manatts Inc., (Bradford J. Manatt, President, Johnston), \$425,550.

(A) Approving contract and bond.

56. On resolution to REJECT all bids and close the hearing on the Vactor Building Roof Replacement, (one bid received - over estimate).

(A) Resolution Ordering Construction of Vactor Building Roof Replacement, Receiving of Bids, (10-22-02), and Setting Date of Hearing, (11-04-02), (Construction Estimate - \$40,000).

57. On vacation and conveyance of a portion of 8th Street, south of University Avenue, to Neighborhood Development Corporation, \$9,000 and lot at 1170-8th Street, \$7,000.

(A) First consideration of ordinance above.

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

58. On request from Marc S. Harding, to rezone property at 6304 SW 12th Place, from "C-1" (Neighborhood Retail Commercial) to "R1-60" (One-Family Low-Density Residential).

(A) First consideration of ordinance above.

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

59. On request from Hawthorn Hill Community Partners, LP, and Preservation Properties Land Company, LLC, to rezone property at 921 Pleasant Street, from "C-2" (General Retail and

Highway-oriented Commercial, to "C-3R" (Central Building District Mixed-Residential District), for adaptive reuse of the existing building into 46 one-bedroom apartments utilizing Iowa Finance Authority Tax Credit Program, subject to conditions.

(A) First consideration of ordinance above.

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

60. On request from Mark Lazar, to rezone property at 6100 SW 9th from "C-2" (General Retail and Highway-Oriented Commercial) and "R1-60" (One-Family Low Density Residential) to "C-1" (Neighborhood Retail Commercial) for a proposed 1,200 square foot building addition and parking lot expansion, subject to conditions.

(A) First consideration of ordinance above.

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

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

APPROVING

61. Incentive Payment Program for construction of Martin Luther King, Jr. Parkway from the Raccoon River to Ingersoll Avenue for the following:

[\(Council Communication No. 02-526\)](#)

(A) Ordering Construction of M.L. King, Jr. Parkway - Raccoon River to Ingersoll Avenue Grading and Sewer, Receiving of Bids, (IDOT), and Setting Date of Hearing, (11-18-02). (Construction Estimate - \$8,518,633.90).

(B) Ordering Construction of M. L. King, Jr. Parkway - Grand Avenue Bridge Project, Receiving of Bids, (IDOT), and Setting Date of Hearing, (11-18-02). (Construction Estimate - \$2,057,867.40).

(C) Ordering Construction of M. L. King, Jr. Parkway - Combined Grand Avenue Bridge and Raccoon River to Ingersoll Avenue Grading and Sewer, Receiving of Bids, (IDOT), and Setting Date of Hearing, (11-18-02). (Construction Estimate - \$10,576,501.30).

62. Brick Salvage Policy to facilitate reuse of brick pavers in city neighborhoods and parks.

[\(Council Communication No. 02-521\)](#)

63. Revised Development Agreement with Woodland Avenue Partners, L.P. for development of

Woodland Avenue Brickstone Apartment Project.

[\(Council Communication No. 02-530\)](#)

(A) Approving amendments to HOME documents for Woodland Avenue Brickstone.

64. Professional Services Agreement with the Dunbar/Jones Partnership (Des Moines) to provide professional planning services for the completion of a park master plan for Ewing Park, \$24,250.

[\(Council Communication No. 02-522\)](#)

65. \$50,000 for Hoyt Sherman Place Theatre Restoration and Renovation Project.

[\(Council Communication No. 02-525\)](#)

66. Agreement for assignment of the Skywalk Agreements for the Federal Home Loan Bank property to either the Des Moines School District or Nationwide Mutual Insurance Company releasing the Bank from further obligation.

[\(Council Communication No. 02-536\)](#)

67. Communication from Community Development Director, advising of the need for revisions to the 2020 Community Character Land Use Plan for the recently annexed areas.

[\(Council Communication No. 02-532\)](#)

68. Authorizing termination of Recyclable Materials Disposal Service Contract, with Metro Waste Authority.

[\(Council Communication No. 02-534\)](#)

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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

October 7, 2002

MOTION TO CONVENE

COMMUNICATION

1. Regarding demolition cost reserve escrowed for the following locations:

(A) 3017 Carr Street.

(B) 1322 SW Creston Avenue.

(C) 1326 Idaho Street.

AUTHORIZING

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

(A) 617 Douglas Avenue, (vacant) Titleholder: 617 Douglas Trust, Attn: Rachel Nelson, Trustee; Contract Buyers: Tammy J. Webb and Ron G. Chilton; and Legal Interest Buyers: Equicredit Corporation, Attn: Debbi Elliott, Consumer Affairs Supervisor.

(B) 409 Franklin Avenue, (vacant) Titleholder: First National Acceptance Company, Attn: Prentice Hall Corporation System, Registered Agent.

(C) 924 Walker Street, (occupied) Titleholder: Richard I. Vesole Trust, Attn: Richard I. Vesole, Trustee; and Contract Buyer: Casimiro Chamale.

3. The Engineering Department to remove the following structures:

(A) 2913 Delaware, Titleholder: Roy Reha.

(B) 1622 Martin Luther King Parkway, Titleholder: Life Limited to Faith in Jesus Christ, Inc.

(C) 1532 6th Avenue, Titleholder: David Ekstrum.

(D) 1120 21st Street, Titleholder: Robert Evens.

MOTION TO ADJOURN at _____ P.M.