

DES MOINES CITY COUNCIL MEETING

January 24, 2005 4:30 P.M.

SPECIAL PRESENTATIONS – 4:15 P.M.

Recognition of Michael Zelenovich, winner of “2004 Ambassadors in Education Award”

PROCLAMATIONS – 4:15 P.M.

National Parent Leadership Month

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 50:

LICENSES AND PERMITS

- 4. Approving Alcoholic Beverage License applications for the following:

NEW APPLICATIONS

(A)	BIG DOG BILLIARDS Liquor	2200 E EUCLID AVE	C
(B)	HIGH LIFE LOUNGE Liquor	200 SW 2ND ST	C
(C)	LA CRUZ #3 Beer	3900 E 14TH ST	C

(D)	LOS SAUCEZ Beer	1704 E GRAND AVE	B
(E)	MEXICAN MARKET Beer	1456 2ND AVE	C
(F)	PALMERS DELI & MARKET Beer/Wine	2843 INGERSOLL AVE	C
(G)	YEE HO GARDEN Beer/Wine	520 ARMY POST RD	C

RENEWAL APPLICATIONS

(H)	BOBS SPORTS BAR & GRILL Liquor	918 E EUCLID AVE	C
(I)	CASEYS GENERAL STORE #2244 Beer	2150 E ARMY POST ROAD	C
(J)	DES MOINES ASIAN FOOD Beer	1623 6TH AVE	C
(K)	EL CANCUN NIGHT CLUB Liquor	900 E ARMY POST ROAD	C
(L)	FLYING MANGO Beer/Wine	4345 HICKMAN RD	C
(M)	GIT N GO STORE #27 Beer	1240 KEOSAUQUA WAY	C
(N)	GIT N GO STORE #28 Beer	3274 E UNIVERSITY AVE	C
(O)	KWONG TUNG RESTAURANT Beer/Wine	2721 INGERSOLL AVE	C
(P)	LIFT Liquor	222 4TH STREET	C
(Q)	MACCABEES DELI & JUDAICA Wine	1150 POLK BLVD	B
(R)	PLAZA MEXICO MEXICAN REST. Liquor	3841 E 14TH ST	C
(S)	SOUTHPORT SPORTS BAR Liquor	1101 ARMY POST RD	C
(T)	TOBACCO OUTLET PLUS #503 Beer	400 EUCLID AVENUE	C
(U)	TOBACCO OUTLET PLUS #521 Beer	2601 E EUCLID AVE	C
(V)	TROPHYS SPORTS BAR & GRILL Liquor	2701 DOUGLAS AVE	C

TRANSFER TO NEW LOCATION

(W)	DEPOT Beer	3000 E GRAND AVE	B
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Temporary transfer of license to Cattle Barn from February 14, 2005 to February 20, 2005 for the Beef Expo.

5. City Clerk to issue Cigarette Licenses.
6. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Resolution Ordering Construction of the following:
 - (A) SW 9th Street Culvert Repair at Luster Lane – Receiving of Bids, (02-22-05), and Setting Date of Hearing, (02-28-05). (Construction Estimate - \$97,600).
 - (B) 2005 Traffic Signal Improvements – Receiving of Bids, (02-22-05), and Setting Date of Hearing, (02-28-05). (Construction Estimate - \$60,000).
 - (C) 30th Street & Forest Avenue Storm Sewer Improvements – Receiving of Bids, (02-22-05), and Setting Date of Hearing, (02-28-05). (Construction Estimate - \$960,705).
 - (D) Principal Park Seating Expansion and Outfield Improvements – Receiving of Bids, (02-22-05), and Setting Date of Hearing, (02-28-05). (Construction Estimate - \$3,623,000).

[\(Council Communication No. 05-021\)](#)

8. Approving Iowa Department of Transportation Agreement for E. 14th Street and E. 15th Street (US 69) between Court Avenue and Walker Street Traffic Signal Improvements.

[\(Council Communication No. 05-033\)](#)

9. Approving completion and recommending acceptance of the following:
 - (A) 11/12th Streets Connector - M.L. King Jr. Parkway to Cherry Street – M. Peterson Construction.
 - (B) East 30th Street Resurfacing from Dean Avenue, north to Maple Street – Des Moines Asphalt & Paving.
10. Approving completion and recommending acceptance of the following Private Construction Contracts:

- (A) Elder Corporation and Mora, Inc. for Sanitary Sewer Improvements for Mora, Inc. Retail Center, 1420 Des Moines Street.
 - (B) Jordison Construction and Massman Group LLC for Paving Improvements at 110/120 10th Street.
11. Various items regarding special assessments for street paving associated with the 2002/2003 Paving Program:
- (A) Pleasantview Drive paving from the pavement in place at S.W. 5th Street to 569' east:
 - (1) Accepting work and ordering preparation of plat and schedule of assessments.
 - (2) Adopting and levying final schedule of assessments, and providing for payment.
 - (B) Willowmere Drive paving from the pavement in place at S.W. 23rd Street to the pavement in place at Fleur Drive:
 - (1) Accepting work and ordering preparation of plat and schedule of assessments.
 - (2) Adopting and levying final schedule of assessments, and providing for payment.
 - (C) S.W. 5th Street paving from the pavement in place at Pleasantview Drive to the pavement in place at Virginia Avenue:
 - (1) Accepting work and ordering preparation of plat and schedule of assessments.
 - (2) Adopting and levying final schedule of assessments, and providing for payment.
 - (D) E. 24th Street paving from the pavement in place at Dean Avenue to the pavement in place at E. Grand Avenue except the pavement in place at Logan Avenue, E. Walnut Street and at Capitol Avenue:
 - (1) Accepting work and ordering preparation of plat and schedule of assessments.

- (2) Adopting and levying final schedule of assessments, and providing for payment.
- (E) Alley between 11th Street and 12th Street from 200' north of University Avenue to the pavement in place at Carpenter Avenue:
 - (1) Accepting work and ordering preparation of plat and schedule of assessments.
 - (2) Adopting and levying final schedule of assessments, and providing for payment.

LAND/PROPERTY TRANSACTIONS

- 12. Real estate documents for property at 1325 Locust Street for the Western Gateway Project, \$150,000 plus closing costs.
- 13. Real estate documents for property at intersection of Beardsley Street and County Road R-63 for the Clover Hill Sanitary Trunk Sewer Project, \$5,052 plus closing costs.
- 14. Real estate documents for property for the Park Avenue Widening Project, \$3 plus closing costs.
- 15. Payment of Condemnation Award for acquisition of property at 1443 Locust Street for the Western Gateway Project, \$703,200 plus Sheriff's fees and jury expenses.
- 16. Authorization to proceed and acquire Right-of-Way for the S.E. 5th Street and McKinley Avenue Intersection Improvements.

[\(Council Communication No. 05-035\)](#)

- 17. Approving Subdivision Bond No. IAC 319333 for Easter Lake Cove Plat 1 from \$70,825 to \$35,005 for partial completion of required sidewalks.
- 18. Approving release of Subdivision Bond No. IAC 22479 in amount of \$35,107 as security for Sunrise Estates Plat 2 for satisfactory completion of required improvements.
- 19. Approving Tax Abatement applications for additional value added by improvements made during 2004. (189 applications)

[\(Council Communication No. 05-042\)](#)

20. Approval of Tax Abatement application for improvements at 801 University Avenue (Top Value Grocery Store) completed in 2002.

[\(Council Communication No. 05-018\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

21. Recommendation of Mayor Frank Cownie to appoint Susan Ryan to Seat 3 on the Water Works Board of Trustees to fill unexpired term of Rose Vasquez commencing July 1, 2002 to expire July 1, 2007.
22. Recommendation from Neighborhood Finance Corporation to reappoint Pam Carmichael to Seat 15 on the Neighborhood Revitalization Board for a three-year term commencing July 1, 2004 to expire June 30, 2007.
23. Approving Resolution to reappoint members of the Des Moines Enterprise Zone Commission.

[\(Council Communication No. 05-030\)](#)

SETTING DATE OF HEARINGS

24. On vacation and conveyance of E. 7th Street right-of-way and part of Maple Street right-of-way to Community Choice Credit Union, \$4,000, (2-7-05).
25. On the 15th amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization area, to expand the Airport Commerce Park sub-area by adding approx. 40 acres extending south to County Line Road on the west side of Fleur, (2-28-05).
26. On Fourth Amendment to the Land Lease for Parcel Distribution Facility, with United Parcel Service, Inc, to clarify payment of sanitary sewer connection fees, and set the date the Site and Grading Plan shall be presented to the City, (2-7-05).

[\(Council Communication No. 05-023\)](#)

27. On Lease Agreement with the South Des Moines Girls Amateur Softball Association for lease of Carney Softball Fields at 2501 SW 30th Street, (2-7-05).

[\(Council Communication No. 05-037\)](#)

28. On Lease of property at 623 Grand Avenue, (2-7-05):

(A) To Boesen the Florist, Inc.

[\(Council Communication No. 05-039\)](#)

(B) To Boesen the Florist, for a sidewalk café.

[\(Council Communication No. 05-038\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

29. Approving payment of \$742 to Barnes & Thornburg, LLP for representation in ATA Holdings Corp. bankruptcy.

30. Approving payment of \$1,327.20 to Nyemaster, Goode, Voights, West, Hansell & O'Brien, P.C. for airport title opinion work.

31. Approving payment of \$12,500 to Cshyronia Turner for settlement of law suit in case of Turner v. Morgan, et al., U.S. District Court.

32. Approving payment of \$9,647 to Chester Woodburn III of Hansen, McClintock & Riley for representation of Ron Wakeham in Barbara Rodgers v. City of Des Moines.

CITY MANAGER COMMUNICATIONS

33. Submitting traffic regulation changes as follows:

(A) Parking Meter Changes in Response to East Village Development.

(B) Parking Restrictions to Facilitate Movement of Solid Waste Vehicles – Drake University Area.

(C) Removal of Metered Spaces and Replacement with Loading Zones in accordance with an Agreement with Massman Group L.L.C. and 10th Street Lofts, L.L.L.P.

(D) Corner Clearance – North Side of East Walnut Street, east of E. 18th Street.

- (E) Corner Clearance – East and West Sides of Polk Boulevard, north and south of Harwood Drive.
- (F) Petition for Four-Way Stop – East 40th Court and Hull Avenue.
- (G) Implement Traffic Regulations for Martin Luther King, Jr. Parkway from Fleur Drive to I-235 and for West Martin Luther King, Jr. Parkway from SW 2nd to Fleur Drive.

[\(Council Communication No. 05-032\)](#)

- 34. Submitting out-of-state travel for Tom Vlassis, Andrea Hauer, William McCarthy, and Sandra Morris.

[\(Council Communication No. 05-040\)](#)

APPROVING

- 35. Order for 30-day suspension of cigarette permit at La Favorita, 1700 E. Grand Avenue.
- 36. Use of various City Facilities as poll sites for the Jail Referendum Election to be held Tuesday, March 29, 2005.
- 37. Pilot Program for preferred parking to encourage carpooling.

[\(Council Communication No. 05-031\)](#)

- 38. Second Amendment to Consultant Service Agreement with RCC Consultants to safeguard vendor compliance associated with Police and Fire Radio Communications Project.

[\(Council Communication No. 05-029\)](#)

- 39. Authorization to submit “FY2004 Annual Certification Report” to U.S. Department of Justice to acknowledge compliance with federal forfeiture guidelines.

[\(Council Communication No. 05-020\)](#)

40. 28E Agreement with Polk County Emergency Management Commission for funding of Emergency Management Administration and appointing the Fire Chief as City's Standing Representative to the Emergency Management Commission.

[\(Council Communication No. 05-022\)](#)

41. Receipt of Des Moines Water Works' adopted budget for calendar year ending December 31, 2005.

42. Receipt of the Legislative Update of the 81st Iowa General Assembly.

43. The following Quarterly Reports:

- (A) Treasurer's Report as of December 31, 2004.

- (B) Financial Report for six months ended December 31, 2004.

[\(Council Communication No. 05-019\)](#)

44. Designation of multiple depositories for City Funds.

45. Communication from Downtown Community Alliance on behalf of Mercy Medical Center to approve banner design for 40 banners to be displayed in downtown on Locust Street in February and October, 2005.

46. Contracts for Youth Advisory Board's Metro Star event.

[\(Council Communication No. 05-043\)](#)

47. Bid from Vetter Equipment Company for two 16' finish cut rotary mowers plus attachments, \$64,310. (Eleven bids mailed, three bids received).

48. Civil Service Entrance Lists for Procurement Services Specialist, Fleet Services Service Writer, Fleet Services Operations Manager, Fleet Services Manager, and Fleet Services Administrative Coordinator and Promotional List for Street Maintenance Worker.

49. Finance Director to draw checks for check registers of January 27 and February 3, 2005; and to draw checks for bills of the Des Moines Municipal Housing

Agency for weeks of January 24 and January 31, 2005; and to draw checks for biweekly payroll due on February 4, 2005.

ORDINANCES - SECOND CONSIDERATION

50. On various amendments to the Zoning Ordinance:

~~(A) To revise the "D-R" (Downtown Riverfront) district regulation to provide for consistent treatment of signage and building height. Will be considered at the February 7, 2005 meeting.~~

(1) ~~Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes. Will be considered at the February 7, 2005 meeting.~~

(B) To revise Section 134-1276(p) to provide for consistent treatment of signage in the Sign Overlay districts.

(1) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.

(C) To revise Section 134-987(2)(a) to encourage monument signs within the "C-3A" Central Business District Support Commercial District.

(1) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.

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

ORDINANCES - FIRST CONSIDERATION

51. Amending Chapter 70 of the Municipal Code, regarding sale of products containing pseudoephedrine in combination with other active ingredients.

52. Amending Chapter 2 of the Municipal Code regarding exception to the competitive bidding procedure, for goods or services when procured through Polk County competitive bidding procedure.

[\(Council Communication No. 05-041\)](#)

(A) Final consideration of ordinance above, (waiver requested by Finance Department), requires 6 votes.

53. Amending Chapter 26 of the Municipal Code regarding maintenance, repair, equipment, use and occupancy of residential rental buildings and structures by providing an exception for members of the titleholder's immediate family.

COMMUNICATIONS/REPORTS

54. From Jim Civitate, 1212 Kenyon Avenue, regarding the Police Department.

55. From Jessica Sabinash, 800 Pioneer Road, regarding animal ordinance.

56. From Bob Wessel, 2719 Leach, regarding taxes.

HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 57 THRU 62)

57. On assessment of penalties for violation of Iowa Cigarette laws for the following:

(A) \$300 penalty for Kum & Go, 4140 Park Avenue.

(B) \$1,500 penalty or 30-day suspension of cigarette permit for Some Place Else, 1833 Hubbell Avenue.

58. On proposal to lease City-owned real estate locally known as the Guzman Building at Birdland Marina to the Des Moines Rowing Club.

59. On request from Randal Meiners to rezone property at 900 Williams Street, from "R1-60" (One Family Low Density Residential), to "PUD" (Planned Unit Development), and approval of a Conceptual Plan to allow development of 16 ranch townhome units with private drive access, subject to revisions to the Plan.

(A) First consideration of ordinance above.

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

60. On sale of City property in the vicinity of Indianola Avenue at Granger Avenue, South Union and E. Dunham, to Communication Technologies, Inc. \$82,000.
61. On sale of property in the vicinity of 5800 SW 4th Street to LAB Investment Company, Inc., \$8,500.
62. On vacation and conveyance of Third Street from University to Laurel Avenue, to Health Initiatives, Iowa Corp, d/b/a Mercy Medical Center – Des Moines, (to correct error in legal description in previous Council action).
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by Legal Department), requires 6 votes.

END HEARINGS AT _____P.M.

APPROVING

63. NUMBER NOT USED.
64. Programmatic Agreement with the State Historic Society of Iowa and Advisory Council on Historic Preservation, for archaeological work associated with the construction of detention basins in Riverpoint West, (SW 14th Street near Raccoon River).

[\(Council Communication No. 05-034\)](#)

- (A) Resolution ordering construction of Riverpoint West Detention Basin - Receiving of bids (02-22-05), and Setting Date of Hearing, (02-28-05). (Construction Estimate \$1,325,122).
65. Agreements for SW 9th Street and County Line Road Intersection Improvements:

[\(Council Communication No. 05-036\)](#)

- (A) IDOT Agreement.
 - (B) Intergovernmental 28E Agreement with Warren County.

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:
 - (A) 3317 Crocker Street, Titleholder: Michael L. Dooley.
 - (B) 802 E. Granger Avenue, Titleholder: Donna J. See; Mortgage Holder: Centex Home Equity Corporation.
 - (C) 2713 E. Walnut Street, Titleholder: Commercial Federal Bank.
 - (D) 1008 26th Street, Titleholder: SSW, L.L.C.; Mortgage Holder: Commercial Federal Bank, F.S.B.
 - (E) 3307 50th Street, Titleholders: Fredrika A. Dixon and Duane Dixon; Contract Buyer: Michael Dixon.
2. The Engineering Department to cause the removal of the structure at 1350 Hutton Street, Titleholder: Terry McKeny.
3. Request for consideration of an extension of time to complete renovation of the structure located at 1120 21st Street.
4. Release of demolition costs reserve held by GAB Robins regarding property known as 1443 E. 17th Court held under claim number 56018-45603 insured by Ethel Greenlee with a claim being made for enforcement costs.

MOTION TO ADJOURN AT _____ P.M.



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