

DES MOINES CITY COUNCIL MEETING

January 26, 2004

4:30 P.M.

INVOCATION: Reverend Lark J. Hapke
(1) United Church of Christ

1. ROLL CALL:

Appointment of Council Member At-Large.

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 53:

LICENSES AND PERMITS

4. Approving the following Alcoholic Beverage License applications:

NEW APPLICATIONS

(A)	B & B	2712 BEAVER AVE	C Liquor
(B)	CHEFS CORNER KITCHEN	1760 BEAVER AVE	C Liquor
(C)	DES MOINES ASIAN FOOD	1623 6TH AVE	C Beer
(D)	KWONG TUNG RESTAURANT	2721 INGERSOLL AVE	C Beer/Wine
(E)	LIFT	222 4TH STREET	C Liquor
(F)	MACCABEES DELI & JUDAICA	1150 POLK BLVD	B Wine
(G)	SIDHU PETROLEUM	3732 EASTON BLVD	C Beer

RENEWAL APPLICATIONS

(H)	BOBS SPORTS BAR & GRILL	918 E EUCLID AVE	C Liquor
(I)	CANDY KITCHEN	2024 FOREST AVE	C Beer
(J)	COONEYS TAVERN	3708 BEAVER AVE	C Liquor
(K)	DES MOINES BOTANICAL CTR	909 E RIVERSIDE DR	C Liquor
(L)	EL AQUILA REAL AUTHENTIC	3600 BEAVER AVE	C Liquor
(M)	FLYING MANGO	4345 HICKMAN RD	C Beer/Wine

(N)	GIT N GO STORE #27	1240 KEOSAUQUA WAY	C Beer
(O)	GIT N GO STORE #27	1240 KEOSAUQUA WAY	B Wine
(P)	LOUIES CHINESE & THAI FOOD	1022 E 12TH ST	B Beer
(Q)	MANNINGS	2102 INDIANOLA AVE	C Liquor
(R)	MIKES	509 E 25 TH ST	C Liquor
(S)	NAT FOOD MART	1443 2ND AVENUE	C Beer
(T)	PAPILON	2718 DOUGLAS AVENUE	C Beer/Wine
(U)	PLAZA MEXICO MEXICAN REST.	3841 E 14TH ST	C Liquor
(V)	PORKYS DINER	4444 DOUGLAS AVE	B Beer
(W)	REGAL LIQUORS #1	3424 M. L. KING PARKWAY	E Liquor
(X)	REGAL LIQUORS #1	3424 M. L. KING PARKWAY	C Beer
(Y)	REGAL LIQUORS #1	3424 M. L. KING PARKWAY	B Wine
(Z)	SAMBETTIS	1430 2ND AVE	C Liquor
(AA)	SOUTHPORT SPORTS BAR	1101 ARMY POST RD	C Liquor
(BB)	TOBACCO OUTLET PLUS #503	400 EUCLID AVENUE	C Beer
(CC)	TROPHYS SPORTS BAR & GRILL	2701 DOUGLAS AVE	C Liquor
(DD)	YEE HO GARDEN	520 ARMY POST RD	C Liquor

TRANSFER TO NEW LOCATION

(EE)	DEPOT	3000 E GRAND AVE	B Beer
	(a)	TEMPORARY TRANSFER OF LICENSE TO CATTLE	
	(b)	BARN FROM FEBRUARY 9, 2004 TO FEBRUARY 15,	
	(c)	2004 FOR THE BEEF EXPO.	

SPECIAL EVENTS APPLICATIONS

(FF)	SENIOM SED	555 WALNUT ST	B Beer
	(a)	FOR SKYWALK GOLF OPEN, FEBRUARY 7, 2004 AT	
	(b)	THE KALEIDOSCOPE AT THE HUB. SUBJECT TO	
	(c)	ACCEPTABLE BUILDING, ELECTRICAL AND FIRE	
	(d)	INSPECTIONS.	

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

PUBLIC IMPROVEMENTS

7. Resolution Ordering Construction of 8th & Mulberry Parking Garage Asbestos Removal – Receiving of Bids, (2-3-04), and Setting Date of Hearing, (2-9-04), (Construction Estimate - \$64,000).
8. Approving Change Orders No. 4, \$20,323.60 and No. 5, \$86,366.09 with The Waldinger Corporation for additional work in conjunction with Central Business District Traffic Signal Upgrade Project.

[\(Council Communication No. 04-030\)](#)

9. Accepting completed construction and approving final payment of the following:
 - (A) E. 18th Street PCC Overlay – E. Walnut Street to Dean Avenue, Concrete Technologies, Inc.
 - (B) Durable Pavement Markings – 2003, Dennis Parking Lot Maintenance, Inc.
 - (C) Gay Lea Wilson Trail Phase III-B (Four Mile Creek Greenway Trail), Grimes Asphalt & Paving Corp.

SPECIAL ASSESSMENTS

10. Deletion of the following NAC-Emergency Order Assessments (Ownership of property transferred):
 - (A) Schedule 2004-01, Certificate 00-10857-00, 3413 E. 12th Street for \$246.38.
 - (B) Schedule 2003-06, Certificate 00-10261-00, 3624 Wright Street for \$296.15.
11. Levying Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:
 - (A) Schedule No. 2004-02.
 - (B) Schedule No. 2004-25.
 - (C) Schedule No. 2004-50.
 - (D) Schedule No. 2004-75.
12. Levying Assessments for costs of Nuisance Abatement-2002 Sidewalk Repair Program, Schedule No. 2003-34.
13. Approving Delinquent Sewer Rental and/or Solid Waste Stormwater Utility Fees for December 2003 for certification to Polk County.
 - (A) Authorizing Engineering Department to correct delinquent Solid Waste Stormwater Utility and/or Sewer Rental Credits for December 2003.
14. Approving refund of unused special assessment default fund; Refund Schedule No. 2004-01.

LAND/PROPERTY TRANSACTIONS

15. Approve and accept real estate documents for property at 1405 Maine Street for the Clark Street Pump Station Project, \$ 2,500 plus closing costs.
16. Approve and accept real estate documents for Woods On The River Plat 4 (2400 Block of East Glenwood Drive) for Storm Sewer Right-of-Way and Surface Water Flowage Improvements.
17. Authorizing payment of Condemnation Award for temporary easements of property in the 1200 block of Ure Street for the Deans Lake Outlet Storm Sewer Project-Phase 1.
18. Accepting Irrevocable Letter of Credit in the amount of \$16,129 and releasing cash deposit as security for completion of the public improvements in Three Lakes Estates Plat 1.
19. Extension of deadline to May 4, 2004 for satisfaction or waiver of conditions for Purchase Agreement for property, former Stew Hansen site, at 2103 Ingersoll Avenue to Knapp Properties, Inc.

[\(Council Communication No. 04-035\)](#)

20. Approving request from Rasmussen Group, Inc. for preliminary subdivision plat "James E. Rasmussen Industrial Park" located at 5240 NE 22nd Street, in Polk County, within the two-mile jurisdiction for subdivision review.

BOARDS/COMMISSIONS/NEIGHBORHOODS

21. Recommendation of Council Member Tom Vlassis to reappoint Robert Saf to Seat 4 on the Traffic Safety Committee for a three year term commencing December 31, 2003 to expire December 31, 2006.
22. Recommendation of Council Member Robert Mahaffey to appoint Marshall G. Linn III to Seat 5 on the Licensing and Appeals Board to fill unexpired term of Alan Wolf commencing January 22, 2001 to expire April 1, 2004.
23. Communication from Randa LeJeune advising of her resignation from the Historic Preservation Commission, (Seat 7) effective January 16, 2004.

COMMUNICATIONS FROM PLANNING AND ZONING

24. Regarding placing a moratorium on street renaming, and method for honoring individuals.
25. Regarding request from Community Choice Credit Union at 700 Lyon Street, for vacation and conveyance of E. 7th Street between a point 273' north of Lyon Street and I-235 right-of-way.
26. Regarding City Manager initiated request for vacation and conveyance of the east/west alley between Des Moines Street and E. Grand Avenue, from E. 4th to E. 5th, to the adjoining property owner.
27. Regarding public comment on draft Article I, Divisions 1 & 2, and draft Article II of the proposed new zoning ordinance.

SETTING DATE OF HEARINGS

28. On proposal to reallocate \$1,500,000 of unspent proceeds of the Aviation System Revenue Bonds, Series 1998, (2-23-04).

[\(Council Communication No. 04-029\)](#)
29. On Issuance of General Obligation Refunding Bonds, (for Essential Corporate Purpose), for the following, (2-9-04):
 - (A) \$23,500,000, Series 1996D.

[\(Council Communication No. 04-033\)](#)
 - (B) \$36,000,000, Series 1995C, 1996E and 1997B.

[\(Council Communication No. 04-034\)](#)
30. On sale of City property at 2815 Hickman Road, to Ronni and Jerry Beard, \$40,000, (2-9-04).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

31. Approving payment of \$66.50 to Frank Hardy from Law Firm of Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for legal services relating to collective bargaining.
32. Approving payment of \$10,762.88 to Ahlers & Cooney, P.C. for services related to the issuance of bonds to fund improvements for the Airport.
33. Approving payment of \$21,304.35 to Jeffrey Allen for worker's compensation claim for an injury during course and scope of employment.
34. Approving payment of \$19,156.50 to Sally Woodard for worker's compensation claim for an injury during course and scope of employment.
35. Approving payment of \$57 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for services related to employee benefits.
36. Approving payment of \$275 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for airport title opinion work.
37. Approving payments of \$583.14 to Myers & Jenkins and \$541 to Tishler & Wald, Ltd. for outside counsel for services related to the Trans World Airlines, Inc., bankruptcy and in the UAL Corporation bankruptcy.

CITY MANAGER COMMUNICATIONS

38. Submitting out-of-state travel for Tom Vlassis, Roger "Rocky" Craig, Michael West, and Eric Moorman.

[\(Council Communication No. 04-024\)](#)

APPROVING

39. Documents regarding State Emergency Shelter Grant (ESG) Contract No. 03-ES-006 for July 1, 2003 through June 30, 2004, \$386,837.
40. Addendum to the City Botanical Center Covered Trellis 28E Agreement to allow for repair with labor provided by City staff and cost of materials provided by the Friends of the Des Moines Botanical Center.

[\(Council Communication No. 04-032\)](#)

41. Settlement Agreement from the U.S. Department of Justice for changes to Simon Estes Amphitheater to bring it to compliance with the Americans with Disabilities Act.
42. Receipt of report from Des Moines Public Library Board of Trustees regarding bid packages for construction of new Central Library.

[\(Council Communication No. 04-026\)](#)

43. Receipt of Des Moines International Airport FY2002/2003 Annual Report, (on file in the City Clerk's Office).
44. Updated Federal Equitable Sharing Agreement.

[\(Council Communication No. 04-036\)](#)

45. Recommendation from Plan and Zoning Commission, regarding denial of request to rename a section of SW 3rd Street between Vine Street and the Raccoon River in the vicinity of Sec Taylor Stadium in honor of Ken Grandquist.
 - (A) Resolution approving "Ken Grandquist Drive" as the honorary name of SW 3rd Street between Vine and the Raccoon River.

46. Application for Performance Reporting Demonstration Grant to assist in annual reports.

[\(Council Communication No. 04-025\)](#)

47. Appointment of Council Member Tom Vlassis as Vice-President of the Community and Economic Development Steering Committee of the National League of Cities, and approving travel to additional meetings, (sites and dates to be approved at a later date).
48. Bid from Mid-States Ford (Waukee) for one aerial lift truck to be used by the Traffic & Transportation Division, \$69,738. (Thirteen bids mailed, eleven bids received).
49. Receipt of the Legislative Update of the 80th Iowa General Assembly.
50. Civil Service Promotional Lists for Police Major, WRA Regulatory Compliance Team Leader, and Senior Police Records Clerk.
51. Authorizing Finance Director to issue checks on the registers of January 29 and February 5, 2004; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 26 and February 2, 2004; and to draw checks for biweekly payroll due employees on February 6, 2004.

ORDINANCES - SECOND CONSIDERATION

52. Amending Chapters 102, 122 and 74 of the Municipal Code regarding community garden leases to allow planting on right-of-way and City property.
53. Amending Chapter 74 of the Municipal Code regarding various Park and Recreation facility fees and charges.

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

ORDINANCES - FIRST CONSIDERATION

54. To continue and expand the Downtown Des Moines Self-Supported Municipal Improvement District, (SSMID).

[\(Council Communication No. 04-027\)](#)

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

55. Amending Chapters 14 and 102 of the Municipal Code regarding Street Use Events.

[\(Council Communication No. 04-028\)](#)

- (A) Final consideration of ordinance above, (waiver requested by City Clerk and Police Chief), requires 6 votes.
- (B) Amending the Schedule of Fees.

HEARINGS (Opened at _____ P.M.) (Items 56 thru 61)

56. On sale of City property at 1730 and 1740 E. 41st Court, to Michael L. and Rebecca S. Dank, (abutting property owners), \$1,100.
57. On vacation of portions of SW 28th Court, SW 28th Street, SW 30th Street, and Littell Avenue, between previously vacated Army Post Road and Relocated Army Post Road.
- (A) First consideration of ordinance above.
58. On vacation of portions of Vale Street, Railroad Court, Railroad Avenue, SE 24th Court and SE 25th Street.
- (A) First consideration of ordinance above.
59. Ratifying prior Council action to rezone property in the 1600 block of 6th Avenue from “C-1” (Neighborhood Retail Commercial) to Ltd “NPC” (Neighborhood Pedestrian Commercial).
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by Neighborhood Development Corporation), requires 6 votes.

60. Items regarding property in the vicinity of 8900 85th Avenue and southwest of interchange of Fleur Drive (85th Avenue in Warren County) and Iowa Highway 5:

- (A) Resolution to amend the future land use designation in the Des Moines 2020 Community Character Land Use Plan from undefined to Planned Business Park, from Planned Business Park to Community Commercial, from Low Density Residential to Medium Density Residential, from Low Density Residential to Park/Open Space, and from Low Density Residential to Commercial, Auto-Oriented, Small-Scale Strip Development.
- (B) Hearing on request from United Properties Investment Company, L.C. to rezone the property from “A-1” (Agricultural) to “PUD” (Planned Unit Development), and for approval of the proposed “PUD” conceptual plan entitled “Echo Valley Community Concept Plan”, subject to revisions.
- (C) First consideration of ordinance above.
- (D) Final consideration of ordinance above, (waiver requested by the applicant), requires 6 votes.

61. Items regarding property at 5801 SE 14th Street:

- (A) Resolution to amend the future land use designation in the Des Moines 2020 Community Character Land Use Plan from Low Density Residential to Commercial, Auto-Oriented, Community Commercial to allow development of a mini-storage complex.
- (B) Hearing on request from S.E. 14, L.L.C. to rezone property from “R1-80” (One Family Residential) to a Limited “C-2” (General Retail and Highway Oriented Commercial) to allow development of a mini-storage complex, subject to conditions.
- (C) First consideration of ordinance above.
- (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

END HEARINGS AT _____ P.M.

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.

1. Request from Council Member Archie Brooks regarding City lots in the Valley Gardens area. SPONSOR: Brooks.
2. Request from Council Member Tom Vlassis for resolution authorizing participation in Main Street program and designating city official to represent city on local nonprofit Main Street governing board of directors. SPONSOR: Vlassis

BOARD OF HEALTH

MOTION TO CONVENE

HEARINGS

1. On resolution to cause the removal of the garage structure 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 regarding 1701 Francis Avenue, Titleholders: Mary M. Robinson and Bobby G. Robinson; Contract Buyers: Robert D. Dale and Debra K. Dale; Mortgage Holder: Eppard Investment, Inc.

AUTHORIZING

2. Court authority to abate the public nuisance at the following locations:
 - (A) 1238 Sampson Street (vacant), Titleholders: SRS, Inc.; Contract Buyers: Curtis White d/b/a Family Plan 2000, Inc. and Johnnie B. White d/b/a Family Plan 2000, Inc.; Tax Certificate Holder: WRM/US Bank.
 - (B) 1274 Stewart Street (garage), Titleholder: Yolanda Eusinzauri.
 - (C) 1442 8th Street (vacant), Titleholder: William General Rumley Estate.
 - (D) 1704 E. 21st Street (vacant), Titleholder: Ramona L. Rogers; Tax Certificate Holder: OHP33LC.

3. The Engineering Department to remove the following structures:
 - (A) 2204 E. 21st Street (garage), Titleholder: Danny Senecaut heir to Rene Senecaut; Tax Certificate Holder: Mooring Tax Asset Group XXI, LLC.
 - (B) 1211 E. 35th Street, Titleholder: Phillip L. Garrison.

4. Release of fire escrow account for 1227 E. 36th Street.

MOTION TO ADJOURN AT _____ P.M.

All-America City
1949 1976 1981 2003