

DES MOINES CITY COUNCIL MEETING

**March 8, 2004
4:30 P.M.**

SPECIAL PRESENTATIONS

Presentation by Youth Advisory Board regarding Metro Star 2004

INVOCATION: Pastor Candice Brown
Capitol Hill Christian 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 62:

LICENSES AND PERMITS

- 4. Approving the following Alcoholic Beverage License Applications:

NEW APPLICATIONS

| | | | |
|-----|----------------------|---------------------|----------|
| (B) | MISS PEGGYS | 3020 FOREST AVENUE | C Liquor |
| (C) | QUIKTRIP #501 | 2221 E EUCLID AVE | C Beer |
| (D) | QUIKTRIP #501 | 2221 E EUCLID AVE | B Wine |
| (E) | WAVELAND GOLF COURSE | 4908 UNIVERSITY AVE | C Liquor |

RENEWAL APPLICATIONS

| | | | |
|-----|-------------------------|-------------------------|----------|
| (F) | AK OCONNORS | 4050 URBANDALE AVE | C Liquor |
| (G) | BOWLERAMA LANES | 1313 E DIEHL AVE | C Liquor |
| (H) | FRANCIES | 2100 WAKONDA VIEW DRIVE | C Liquor |
| (I) | HAIRY MARYS | 2307 UNIVERSITY AVE | C Liquor |
| (J) | HAWKEYE ELKS LODGE #160 | 1401 WALKER ST | C Liquor |
| (K) | HAWKEYE PANTRY | 501 LOCUST STREET | E Liquor |
| (L) | HY VEE FOOD STORE #3 | 3221 SE 14TH ST | E Liquor |

| | | | |
|-----|--------------------------|-----------------------|----------|
| (M) | HY VEE FOOD STORE #5 | 1107 E Army Post Road | E Liquor |
| (N) | INDEPENDENT LODGE #4 | 1601 6TH AVE | C Liquor |
| (O) | IOWA BEEF STEAK HOUSE | 1201 E EUCLID AVE | C Liquor |
| (P) | KELLYS TEXACO | 111 63RD ST | C Beer |
| (Q) | NAT FOOD MART #1 | 3804 HUBBELL AVE | C Beer |
| (R) | RACCOON RIVER BREWING CO | 200 10TH ST | C Liquor |
| (S) | SCORNOVACCAS PIZZA | 3900 E 14TH ST | B Beer |
| (T) | SOUTHRIDGE AMOCO | 6300 SE 14TH ST | C Beer |
| (U) | WINSTONS PUB AND GRILLE | 601 LOCUST ST | C Liquor |

OUTDOOR SERVICE APPLICATION

| | | | |
|-----|--------------------------|--------------------|----------|
| (V) | TIM FLANAGANS RESTAURANT | 2120 INGERSOLL AVE | C Liquor |
|-----|--------------------------|--------------------|----------|

Temporary outdoor service for St. Patricks Celebration on March 16 to March 18, 2004. Pending approval of Building and Fire Departments.

5. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

6. Ordering construction for the following:
 - (A) University Avenue Median Modifications at 2nd Avenue – Receiving of Bids, (3-30-04), and Setting Date of Hearing, (4-5-04), (Construction Estimate - \$37,105).
 - (B) WRF Combined Hauled Waste/Solids Processing Improvements - Receiving of Bids, (4-13-04), and Setting Date of Hearing, (4-19-04), (Construction Estimate - \$11,136,300).
 - (C) 2004 Tennis Court Resurfacing Program - Receiving of Bids, (3-30-04), and Setting Date of Hearing, (4-5-04), (Construction Estimate - \$53,300).
 - (D) Union Park Water Playground - Receiving of Bids, (3-30-04), and Setting Date of Hearing, (4-5-04), (Construction Estimate - \$330,000).
7. Approving execution of Iowa Department of Transportation Agreement for SW 8th Street Viaduct over Martin Luther King Jr., Parkway Rehabilitation.

[\(Council Communication No. 04-124\)](#)

8. Approving execution of Professional Services Agreement with W. A. Architecture LLC (William L. Anderson, Principal, DSM) in conjunction with Western Gateway Improvement, \$670,710.

[\(Council Communication No. 04-116\)](#)

9. Approving execution of Professional Services Agreement with Larson Architecture LLC, (Rick Larson, President, DSM) in conjunction with the Greenhouses at Chesterfield, \$27,900.

[\(Council Communication No. 04-119\)](#)

10. Approving agreement with Principal Life Insurance Company to place two traffic observation cameras on the 801 Grand Building, as part of the Central Business District Traffic Signal Upgrade.

[\(Council Communication No. 04-121\)](#)

11. Accepting completed construction and approving final payment for the WRF Dewatering Wetwell Improvements, Baker Group.

12. Communications from Reilly Construction Co., Inc. and Affiliates and Corell Contractor, Inc. (joint venture) requesting permission to sublet on the M.L. King, Jr. Parkway-Combined Grand Avenue Bridge and Raccoon River to Ingersoll Avenue Grading and Sewer; and from Jensen Construction Co. and United contractors, Inc. (joint venture) requesting permission to sublet on the M.L. King, Jr. Parkway and Fleur Drive Intersection/bridges Combined Project.

13. Approving Iowa Department of Transportation Change Order No. 13 in conjunction with Keo Way (Birds Run) Phase 1 Storm Sewer Outlet, \$45,453.59.

[\(Council Communication No. 04-125\)](#)

SPECIAL ASSESSMENTS

14. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:
 - (A) Schedule No. 2004-04.
 - (B) Schedule No. 2004-26.
 - (C) Schedule No. 2004-52.
 - (D) Schedule No. 2004-76.

15. Approving deletion of NAC-Emergency Assessment at 1328 – 4th Street, Schedule 2004-51, (property transferred ownership).
16. Approving correction of sidewalk assessment for 1707 Euclid Avenue on Schedule No. 2003-34.

LAND/PROPERTY TRANSACTIONS

17. Establishing Fair Market Value and authorizing acquisition of property located between Dean Avenue and Market Street and between E. 20th Street and E. 21st Court for E. 29th Street Connector Trunk Sewer Project.
18. Approve and accept real estate documents for City owned property at 2111 Grand Avenue for Martin Luther King, Jr. Parkway Project.
19. Approving acquisition of right-of-way for the following projects:
 - (A) 12th Street Reconstruction at Keosauqua Way.
 - (B) Park Avenue Widening from SW 42nd Street to SW 56th Street.
 - (C) 10th Street Reconstruction.
20. Granting prior approval of tax abatement for additional value added by improvements to 6550 Bloomfield Road.

BOARDS/COMMISSIONS/NEIGHBORHOODS

21. Communication from Mike Ludwig advising of resignation of Bob Mahaffey from the Plan and Zoning Commission effective January, 2004, (Seat 6).
22. Communication from Chair of the Sister Cities Commission advising of resignation of Helen Dagley effective immediately, (Seat 1).

23. Communication from Andrea Hauer on behalf of the Chair of the Urban Design Review Board requesting that Seat 7 (Jeff Lewis) be declared vacant.
24. Recommendation of Mayor Frank Cownie to reappoint Gary Edgington to Seat 8 on the Licensing & Appeals Board for a three year term commencing April 1, 2003 to expire April 1, 2006.

COMMUNICATIONS FROM PLANNING AND ZONING

25. Regarding preliminary subdivision plat for Park Avenue Estates located at 1718 East Park Avenue.
26. Regarding public comments on draft of Article V (Off-Street Parking) of the proposed new zoning ordinance.

SETTING DATE OF HEARINGS

27. On request from Regency Homes, to rezone property at 3400 East Payton Avenue from "R1-80" (One Family Residential) to "PUD" (Planned Unit Development) and approve the Sterling Trace Concept Plan providing for approximately 77 single-family lots between 65' and 80' wide, and 48 single family semidetached lots, subject to conditions, (3-22-04).
28. On request from the Metro Market, L.L.C., to rezone property at 2001 High Street from Limited "C-2" (General Retail and Highway Oriented Commercial) to revised Limited "C-2", to amend the existing conditions to allow concurrent use of both retail and auction house while reducing square footage of auction house, number of fixed seats and number of required parking spaces, (3-22-04).
29. On conveyance of property near vacated Market Street from Riverside Drive west to vacated SW 6th Street, to MidAmerican Energy Company, for underground electric line easements near the Science Center of Iowa, (3-22-04).
30. On Voluntary Annexation of territory at 3930 SE 72nd Avenue, approximately 212 acres, (5-3-04).

31. On items regarding the zoning of the Downtown Riverfront Area, (3-22-04):
- (A) On amendment to the Zoning Ordinance to revise the “D-R” Downtown Riverfront District regulations to allow existing warehouse uses to be a legal non-conforming use; to establish the current Bulk Regulations and Special Limitations as design guidelines for review under provisions of the Site Plan Ordinance; to require certain development and use expansions to be subject to formal Site Plan review, and to make further amendments to the Site Plan Regulations to clarify the distinction between regulations and guidelines.
 - (B) On Plan and Zoning Commission-initiated request to rezone property in the area generally bounded by Interstate 235 on the north, Des Moines Street on the south, E. 4th Street on the east and Robert D. Ray Drive on the west, from M-1 (Light Industrial) to “D-R” (Downtown Riverfront).
 - (C) On Plan and Zoning Commission-initiated request to rezone property in the area generally bounded by Raccoon Street and Allen Street on the north, Scott Avenue on the south, SE 4th Street on the east, and SE 2nd Street and SE 3rd Streets on the west, from “M-1” (Light Industrial) to “D-R” (Downtown Riverfront District).

[Council Communication No. 04-112](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

32. Approving payment of \$2,752 to Nyemaster, Goode, Voights, West, Hansell & O'Brien, P.C. for airport title work.
33. Approving payments of \$1,396.08 to law firm of Myers & Jenkins and \$118 to the law firm of Tishler & Wald, Ltd. for the UAL Corporation bankruptcy. (Total \$1,514.08).
34. Approving payment of \$8,511.67 to law firm of Hall & Associates for legal services with Iowa Department of Natural Resources regarding National Pollution Discharge Elimination System permit for Wastewater Reclamation Authority Treatment Plant.
35. Approving payment of \$11,632.32 to Monica Newman for settlement of workers' compensation claim for injuries sustained during course and scope of her employment.

CITY MANAGER COMMUNICATIONS

36. Regarding preliminary terms of agreement with Metro Engineers, Inc. for redevelopment of former Kirkwood Hotel, 4th and Walnut.

[\(Council Communication No. 04-115\)](#)

37. Regarding proposed economic development loan to Protocol Driven Healthcare, Inc. (Jennifer Jolley, President, Bernardsville, NJ).

[\(Council Communication No. 04-130\)](#)

38. Regarding extension of tax abatement to property in vicinity of 1435 East Madison Avenue.

39. Submitting various traffic regulation changes as follows:

- (A) One-Sided Parking Restriction – Lakewood Cove Plats I and II.
- (B) Commercial Loading Zone – South Side of Grand Avenue, west of 13th Street.

[\(Council Communication No. 04-126\)](#)

40. Submitting out-of-state travel for Allen Ihde, Richard Towers, Steve Lussier, David Ness, Allan Tunks, and Tom Turner.

[\(Council Communication No. 04-104\)](#)

APPROVING

41. Weatherization Contract (MEC-04-07J) by and between Iowa Department of Human Rights/Division of Community Action Agencies and the City for weatherization assistance for low-income persons from January 1, 2004 to December 31, 2004, \$168,000.

42. Lease Agreement with Neighborhood Development Corporation for office space at 2009-2011 Forest Avenue for the Forest Avenue Community Services Site Office, (new location for combined Model City and Woodland Willkie Community Services sites).

[\(Council Communication No. 04-108\)](#)

43. Schedule for preparation of 2005-2009 HUD Consolidated Plan and 2005 Action Plan.

[\(Council Communication No. 04-111\)](#)

- 43I. Neighborhood Finance Corporation (NFC) Certificate of Consistency with 2000-2004 Consolidated Plan.

[\(Council Communication No. 04-134\)](#)

44. Authorizing application, local match and designating authorized representative for Flood Mitigation Assistance grant to update local hazard mitigation plan to comply with new federal rules.

[\(Council Communication No. 04-127\)](#)

45. Authorization for Park and Recreation Director or his designee to execute agreements related to implementation of athletic events or tournaments which are not Park and Recreation Department programs, but which are hosted or sponsored by the Park and Recreation Department at its facilities.

[\(Council Communication No. 04-122\)](#)

46. Modification No. 2 to Reimbursement Agreement with Transportation Security Administration for Law Enforcement Services at the Airport.

[\(Council Communication No. 04-129\)](#)

47. Receipt of the following Proposed Airport Regulations:

- (A) Regulation No. 04-44 regarding establishment of new tenant category.
- (B) Regulation No. 04-45 regarding abandoned vehicles.

48. Extension of RCC Consultants Inc. Agreement for Police and Fire Radio Communication Project, not to exceed \$58,612.50.

[\(Council Communication No. 04-105\)](#)

49. Preliminary approval for a Neighborhood Commercial Revitalization Program Loan in the amount of \$175,000 for renovations to 428 and 430 East Locust Street.

[\(Council Communication No. 04-133\)](#)

50. Letter of Intent with EMC Insurance Companies for design and construction and related work for proposed parking garages to be constructed at 8th and Mulberry Streets.

[\(Council Communication No. 04-131\)](#)

51. Evidence of financing, final conceptual development plan and execution of deed to Neighborhood Development Corporation for Disposition Parcel No. 98-B-Metro Center Urban Renewal Area - Wherry Block Building, 1600 – 1620 6th Avenue.

[\(Council Communication No. 04-117\)](#)

52. Negotiation of contract with Emerging Solutions to provide PeopleSoft support.

[\(Council Communication No. 04-118\)](#)

53. Agreement for professional services with The Terrus Group (Randall Minear, President) to perform periodic seasonal testing for mold in the Armory Building.

[\(Council Communication No. 04-128\)](#)

54. Declaring official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the Des Moines Metropolitan Wastewater Reclamation Authority for certain original expenditures paid in conjunction with proposed projects.

[\(Council Communication No. 04-110\)](#)

55. Delivery of Supplement No. 15 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC \$672,090, for purchase of 5 automated refuse trucks to be used by the Solid Waste Enterprise.

[\(Council Communication No. 04-109\)](#)

- (A) Bid from Peterbilt of Des Moines, (Altoona) for 5 truck chassis' \$435,765; and bid from Mid-Iowa Solid Waste Equipment, (Johnston), for 5 truck bodies, \$232,325, (12 bids mailed – 6 received).

[\(Council Communication No. 04-106\)](#)

56. Communications from Downtown Community Alliance requesting approval of the following banner designs as follows:
- (A) On behalf of the Alliance of Black Telecommunications Professionals, four (4) banners in downtown on Locust Street during April.
 - (B) On behalf of the Federal Home Loan Bank, 54 banners in downtown on Locust, Grand and Walnut Streets during April.
 - (C) On behalf of the State Historical Society of Iowa, 44 banners in downtown on Locust Street during April – June.
57. Receipt of the Legislative Update of the 80th Iowa General Assembly.
58. Civil Service Entrance List for Principal Traffic Engineer and Promotional List for Lead Surveyor.
59. Issuance of Request For Proposal (RFP) for consultant to complete Aquatics Study and provide recommendation of improvements for three aquatic centers and two swimming pools.

[\(Council Communication No. 04-120\)](#)

60. Bids from the following:
- (A) FireGuard for MSA Clear Command amplifier kits to be used with self contained breathing apparatus by the Fire Department, \$68,625. (Ten bids mailed, six received).
 - (B) Tri-State Companies for one 16' finish cut rotary mower to be used by the Park and Recreation Department, \$47,972. (Eleven bids mailed, three received).
 - (C) Great American Outdoor for four out front rotary mowers to be used by the Park and Recreation Department, \$99,500. (Ten bids mailed, six received).

[\(Council Communication No. 04-107\)](#)

- (D) Various vendors for fire fighting supplies to be used by the Fire Department, \$115,192.46. (Twelve bids mailed, seven received).

61. Authorizing Finance Director to issue checks on the registers of March 11 and March 18, 2004; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 8 and March 15, 2004; and to draw checks for biweekly payroll due employees on March 19, 2004.

ORDINANCES - FINAL CONSIDERATION

62. Amending Section 114-3203 of the Municipal Code to place a “Police Only” parking restriction near 611 Forest Avenue.

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

ORDINANCES - FIRST CONSIDERATION

63. Amending Chapter 102 of the Municipal Code regarding [Street Use Events and Parades](#).

[\(Council Communication No. 04-132\)](#)

64. Amending Chapter 74 of the Municipal Code regarding Blank Park Zoo fee.

[\(Council Communication No. 04-123\)](#)

65. Repealing and replacing Ordinance 14,294, to rezone the Riverfront area, to correct an error in the original legal description.

[\(Council Communication No. 04-114\)](#)

66. Amending Chapter 2 of the Municipal Code regarding City’s residency requirement.

67. Amending Chapter 114 of the municipal code regarding various traffic regulation changes, (see roll call for list).

COMMUNICATIONS/REPORTS

68. From Kevin Brown, 5616 New York Avenue, requesting to speak regarding parking tickets and pet licenses.

HEARINGS (Opened at _____ P.M.) (Items 69 thru 76)

69. On appeal from Earle Rock, 910 SE 9th Street, Ankeny, regarding Administrative Hearing Officer's decision on impounded vehicle.

70. On Voluntary annexation of territory in the Historic Fort Des Moines area.

[\(Council Communication No. 04-113\)](#)

71. On request from Baker Real Estate L.P. to amend the approved PUD Conceptual Plan for portion of property at 4500 Hubbell Avenue to allow maximum of 156 multiple-family units.

72. On sale of a portion of the vacated east/west alley right-of-way between Virginia Avenue and Pleasant View Drive, to Teresa M. Russo, \$50.

73. On sale of property in the vicinity of 202 E. Fulton Drive, to Des Moines Habitat for Humanity, Inc., \$5,805.

74. On assessment of \$300 penalty to BMJ Food Mart, 3625 Ingersoll, for violation of Iowa Cigarette Laws.

75. On Greater Des Moines Softball Park Field Lighting: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as High Tech Electric, LLC (Mark Pottebaum, President), \$214,600.

(A) Approving contract and bond.

76. On SW 9th Street Bridge over Yeader Creek: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Herberger Construction Co., Inc. (Dean Herberger, President), \$1,215,218.54.

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

END HEARINGS AT _____ P.M.

BOARD OF HEALTH

MOTION TO CONVENE

HEARINGS

1. On resolution to demolish and remove dangerous structure or to determine appropriate equitable action to be taken at 304 Hackley Avenue; Titleholders: Sherry Stamper and Dawn Davis as heirs to the titleholder Gerald Davis.

AUTHORIZING

2. Court authority to abate the public nuisance at the following locations:
 - (A) 3410 Amherst (garage), Titleholders: Dr. James Hamilton 401(k) Profit Sharing Plan, American Trust and Savings Bank, Trustee; Contract Buyer: Rennis Ryan; Mortgage Holder: Aegis Mortgage Corporation; Tax Certificate Holder: OHP49LC.
 - (B) 1317 Clark (vacant), Titleholders: George H. and Leona M. Lester.
 - (C) 3632 Indianapolis (vacant), Titleholders: Edward E. and Anissa J. McNeece.
 - (D) 817 Pioneer (structure), Titleholders: Dan L. and Robbie L. Howe; Mortgage Holder: State Farm Savings and Loan Association of Des Moines.
 - (E) 1157 18th Street (vacant), Titleholder: Grace Moore.
 - (F) 6005 SW 19th Street (vacant), Titleholder: Jane M. L'Estrange.
 - (G) 1700 E. 21st Street (vacant), Titleholders: Dan L. and Robbie L. Howe; Contract Buyers: James E. Childs and Laura A. Van Gundy; Mortgage Holder: West Des Moines State Bank.
3. Release of demolition cost reserve held by Allied Insurance under claim number 14q7039 regarding property known as 2823 E. Walnut insured by Mary Davis.

MOTION TO ADJOURN AT _____ P.M.