

# DES MOINES CITY COUNCIL MEETING

May 9, 2005 4:30 PM

## PROCLAMATIONS – 4:15 P.M.

Bike to Work Week

National Public Works Week

National Women’s Health Week

**INVOCATION:** Pastor Tony Thurston  
College Avenue 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 56:

## LICENSES AND PERMITS

4. Approving alcoholic beverage applications for the following:

### NEW APPLICATIONS

(A)	DUDS N SUDS	2552 HUBBELL AVE	B Beer
(B)	GARDEN	112 SE 4TH ST	C Liquor
(C)	SOUTH SIDE LIQUOR & TOBACCO	1101 ARMY POST RD	E Liquor

## RENEWAL APPLICATIONS

(D)	BIG KMART #4160	2535 HUBBELL AVE	C Beer
(E)	BREW HAUS LOUNGE	830 MCKINLEY AVE	C Liquor
(F)	DONNAS LOUNGE	4424 SE 14TH ST	C Liquor
(G)	GIT N GO STORE #31	2601 SW 9TH ST	C Beer
(H)	HICKMAN PUB	2335 HICKMAN RD	C Liquor
(I)	LEFTYS PLACE	509 E 25TH STREET	C Liquor
(J)	MERCY HOSPITAL MED CNTR	1111 6TH AVE	C Liquor
(K)	MING DYNASTY BUFFET	4804 SW 9TH ST	B Beer
(L)	NOAHS ARK RESTAURANT	2400 INGERSOLL AVE	C Liquor
(M)	PIZZA HUT #4353	1435 ARMY POST RD	B Beer
(N)	QUALITY INN & SUITES EVENTS	929 3RD ST	B Liquor
(O)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Liquor
(P)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Wine
(Q)	SOUTHGATE AMOCO	3401 SE 14th STREET	C Beer
(R)	STEER AND STEIN	3000 E GRAND AVE	B Beer
(S)	SUPER STOP	727 SE 14TH ST	C Beer
(T)	TOBACCO OUTLET PLUS #519	3144 SE 14TH STREET	C Beer
(U)	WAVELAND CAFE	4708 UNIVERSITY AVE	B Beer

## OUTDOOR SERVICE APPLICATION

(V)	VAUDEVILLE MEWS Adding Permanent outdoor service.	212 4TH ST	C Liquor
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## SPECIAL EVENT APPLICATION

(W)	GREEK ORTHODOX CHURCH License Special Class C Beer/Wine License in conjunction with the Greek Food Fair on June 4, 2005. Pending approval of Electrical, Fire, Zoning and Vice Departments.	1110 35TH ST	Five (5) Day
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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) Principal Riverwalk Bridge over Des Moines River-Rehabilitation – Receiving of Bids, (5-17-05), and Setting Date of Hearing, (6-6-05). (Construction Estimate - \$2,426,218).
  - (B) SW 9<sup>th</sup> Street and County Line Road Intersection – Receiving of Bids, (5-17-05), and Setting Date of Hearing, (6-6-05). (Construction Estimate - \$471,517.50).
  - (C) University Avenue Bridge over the Des Moines River-Arch Rehabilitation – Receiving of Bids, (5-17-05), and Setting Date of Hearing, (6-6-05). (Construction Estimate - \$1,038,485).
  - (D) Des Moines River Outfall Site Access Control – Receiving of Bids, (5-24-05), and Setting Date of Hearing, (6-6-05). (Construction Estimate - \$33,000).
  - (E) 2005 HMA Pavement Scarification & Resurfacing – Receiving of Bids, (5-24-05), and Setting Date of Hearing, (6-6-05). (Construction Estimate - \$913,250).
  - (F) Hawthorne Park Shelter – Receiving of Bids, (5-24-05), and Setting Date of Hearing, (6-6-05). (Construction Estimate - \$190,000).
  - (G) 2005 Sidewalk Replacement Program – Receiving of Bids, (5-24-05), and Setting Date of Hearing, (6-6-05). (Construction Estimate - \$174,800).
8. Approving Change Order No. 22 with Jensen Construction Co. and United Contractors, Inc., a joint venture for additional work on M.L. King Jr. Pkwy and Fleur Drive Intersection Bridges for a total not to exceed \$25,000.

[\(Council Communication No. 05-239\)](#)

9. Approving Private Construction Contracts for the following:
- (A) Baker Electric, Inc. and Meredith Corporation Foundation for Lighting Improvement in Meredith Fleur Drive Multi-Use Trail.
  - (B) Van Hauen & Associates, Inc. and Erickson Development, Inc. for Sanitary Sewer Improvements in Three Lakes Estates.
  - (C) Manatts, Inc. and Jerry's Homes for Paving Improvements in Carman Estates Plat 4.

- (D) McAninch Corporation and Silver Oak, LLC for Sanitary Sewer Improvements in Carman Estates Plat 5.
  - (E) McAninch Corporation and Silver Oak, LLC for Storm Sewer Improvements in Carman Estates Plat 5.
  - (F) McAninch Corporation and West Lakes Properties, LLL for Sanitary Sewer Improvements in Southern Ridge.
10. Communications to sublet certain items from M. Peterson Construction Company for Park Avenue Widening – SW 42<sup>nd</sup> Street to SW 56<sup>th</sup> Street and from Rognes Corporation on 30<sup>th</sup> Street & Forest Avenue Storm Sewer Improvements.
11. Approving completion and recommending acceptance for the following:
- (A) Ingersoll Avenue Traffic Signals - 28<sup>th</sup> Street to 42<sup>nd</sup> Street - Baker Electric.
  - (B) Douglas Avenue Intersection Improvements - P.G. Construction, Inc.

#### **SPECIAL ASSESSMENTS**

12. Approving levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development and Public Works) for the following:
- (A) Schedule No. 2005-26.
  - (B) Schedule No. 2005-77.
  - (C) Schedule No. 2005-88.
  - (D) Schedule No. 2005-78.
13. Approving deletion of NAC-Emergency Assessments at the following:
- (A) 3408 Cottage Grove Avenue, 1016 Trisha Avenue, and 1146 E. 8<sup>th</sup> Street.
  - (B) 3701 Cornell Street.
14. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for April 2005.

15. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for April 2005.
16. Receive, file and authorize execution of petition and waiver forms for sidewalk program/request to repair driveway, executed by three property owners.

## **LAND/PROPERTY TRANSACTIONS**

17. Real estate documents for property for the Airport Runway 13R/31L Project, closing costs only.
18. Real estate documents for property at 4723 Fleur Drive and 1801 McKinley Avenue for the McKinley Avenue Sidewalk Project, \$1 plus closing costs.
19. Real estate documents for property at 2535 E. 16<sup>th</sup> Street for the East 16<sup>th</sup> Street and East Sheridan Avenue Storm Water Improvements Project, \$1,430 plus closing costs.
20. Real estate documents for property at 2116 Grand Avenue for the Martin Luther King, Jr. Parkway Project, \$ 3,225 plus closing costs.
21. Approving process for requesting tax sale certificates on vacant lots from Polk County Treasurer at annual auction and for assignment to private parties for residential development.

[\(Council Communication No. 05-247\)](#)

22. Approving Tax Abatement Application for additional value added by improvements made during 2004 for 4525 SE 16<sup>th</sup> Street.

[\(Council Communication No. 05-248\)](#)

23. Approving Tax Abatement Application for additional value added by improvements made during 2004 for O'Reilly Auto Parts Facility at 1800 Guthrie Avenue.

[\(Council Communication No. 05-249\)](#)

24. NUMBER NOT USED

## **SETTING DATE OF HEARINGS**

25. On rezoning property in the vicinity of 627 SE 6<sup>th</sup> Street from “R1-60” (One Family Low-Density Residential) to Ltd. “M-1” (Light Industrial) to allow development of an engineering testing laboratory and accessory offices, (5-23-05).
  - (A) City Plan and Zoning Commission recommendation on vacation of right-of-way and conveyances of public land in the vicinity of SE 6<sup>th</sup> Street and Maury Street.
26. On rezoning of all or portions of “M-2” (Heavy Industrial District) to the “M-1” (Light Industrial District), (5-23-05).

[\(Council Communication No. 05-243\)](#)

27. On Zoning Ordinance text amendment to revise the term that special event signage may be granted for recognized neighborhood groups, from a maximum of 10 days to 30 days, (5-23-05).
28. On amendments to the Zoning Ordinance and various landscape policies, (5-23-05).

[\(Council Communication No. 05-242\)](#)

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

29. Approving payment of \$2,718.86 to Ahlers & Cooney, P.C. for bond counsel services and services related to the Master Lease Program.
30. Approving payment of \$67.50 to Ahlers & Cooney, P.C. for resolution of certain environmental matters in conjunction with the development of the Kiwanis Nature Island at Riverview Park.
31. Approving payments of \$1,304.80 to law firm of Myers & Jenkins for representation of the City in the ATA Holdings Corporation and UAL Corporation bankruptcies and payment of \$127.50 to law firm of Barnes & Thornburg, LLP for representation of City in the ATA Holdings Corporation bankruptcy. (\$1,432.30)

32. Approving payment of \$372.50 to law firm of Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for consultation services in conjunction with collective bargaining and related matters.
33. Approving payment of \$13,782.50 to Eric Akkerman for workers compensation claim for injury suffered in course and scope of employment.
34. Approving payment of \$52,274.49 to James Calkins, an employee, for injury suffered in the course and scope of employment pursuant to an arbitration decision.
35. Authorizing settlement of City of Des Moines v Housby-Mack, Inc. and A Development Company, Inc.
36. Extension of authorization to employ Hall & Associates to represent City Stormwater Management Utility with regard to IDNR's issuance of TMDLs impacting the City's MS-4NPDES Permit and authorizing retention of Sullivan & Ward to act as local counsel for Hall & Associates.

[\(Council Communication No. 05-258\)](#)

- (A) Payment of billing from Hall and Associates in the amount of \$13,474.46 for services related to Des Moines NPDES Permit.

**CITY MANAGER COMMUNICATIONS**

37. Submitting traffic regulation changes as follows:
  - (A) Corner Clearance-South Side of East Marion Street, East of SE 3<sup>rd</sup> Street.
  - (B) Removal of One Metered Parking Space-East Side of 15<sup>th</sup> Street, North of Grand Avenue.
  - (C) Corner Clearance-East Side of SE 22<sup>nd</sup> Street, North of East Marion Street.
  - (D) Corner Clearance-South Side of Watson Avenue, West of Saylor Road.
  - (E) Corner Clearance-North Side of East Kirkwood Avenue, West of SE 8<sup>th</sup> Court.
  - (F) Corner Clearance-West Side of 29<sup>th</sup> Street South of Cottage Grove Avenue.

(G) Various Handicapped Parking Meter Revisions.

(H) Corner Clearance-South Side of Prospect Road, East of 25<sup>th</sup> Street.

[\(Council Communication No. 05-240\)](#)

38. Submitting out-of-state travel requests for Marcy Cable, Tom Vlassis, Tom Trimble, Richard LeFleur, Susan Low, and Dani Stookey.

[\(Council Communication No. 05-233\)](#)

## **APPROVING**

39. City of Des Moines Municipal Housing Agency Certificate of Consistency with the City's current Consolidated Plan.

[\(Council Communication No. 05-246\)](#)

40. Items regarding The Metro Lofts for construction of condominium units, between 2<sup>nd</sup> Avenue and 3<sup>rd</sup> Street, north of Vine Street:

(A) Phase I Conceptual Development Plan.

[\(Council Communication No. 05-260\)](#)

(B) Application for Enterprise Zone Benefits in Des Moines Gateway Enterprise Zone.

(C) Receive and file communication from Urban Design Review Board.

(D) Release of utility easement within site of Metro Lofts.

41. Application for Enterprise Zone Benefits in Des Moines Gateway Enterprise Zone for Striggles Legacy II, LLC for construction of 90 apartment units at 1719 Grand Avenue.

[\(Council Communication No. 05-259\)](#)

(A) Resolution approving temporary closure of the alley adjoining 1719 Grand Avenue and approving License Agreement with Striggles Legacy LLC for removal of pavement in preparation for redevelopment of the Meadow Gold property.

[\(Council Communication No. 05-251\)](#)



42. Request from MidAmerican Energy Company for permission to construct and operate a temporary overhead electrical transmission line in the Downtown Underground District.

[\(Council Communication No. 05-238\)](#)

43. Facility Use Agreement Amendment with Des Moines Community School District to extend the use of Douglas Elementary School for the period June 1, 2005 through May 31, 2006 for Fire Department drill school (to amend Roll Call 05-993 of April 25, 2005).

[\(Council Communication No. 05-234\)](#)

44. Renewal of Occupational Health Care Services Agreement with Des Moines University Clinic (DMU) for the period of July 1, 2005 through June 30, 2006.

[\(Council Communication No. 05-254\)](#)

45. Renewal of Coventry Health Care with HMO option for employees in Police and Fire Collective Bargaining groups.

[\(Council Communication No. 05-256\)](#)

46. Renewal of contract with Wellmark Blue Cross and Blue Shield of Iowa for period of July 1, 2005 through June 30, 2006 for active employees and under age 65 retirees and approving rates for over age 65 (Medicare) retired employees.

[\(Council Communication No. 05-257\)](#)

47. City of Des Moines 2004 Annual Occupational Health & Safety Report.

[\(Council Communication No. 05-255\)](#)

48. Bids from the following:

- (A) Mid-States Ford for one 19,000 GVW aerial lift truck for use by the Engineering Department, Traffic and Transportation Division, \$62,149. (Twelve bids mailed, nine received).
- (B) AAA Metro Board Up Corporation for an annual contract with two additional one year renewal options to furnish board up services for vacant and abandoned houses to be used by the Community Development Department. (Two bids mailed, one received).

[\(Council Communication No. 05-235\)](#)

- (C) General Traffic Controls for various traffic signal equipment for the E/SE 14<sup>th</sup> Street/US Highway 69 Arterial Visibility Project to be used by the Engineering Department, Traffic and Transportation Division, \$60,427.50. (Eight bids mailed, six received).

[\(Council Communication No. 05-241\)](#)

- (D) Owen Crist Auto Body Services (District 1) and American Towing (District 2) for an agreement to furnish impounded vehicle towing and storage services to be used by the Police Department. (Eight bids mailed, three received).

[\(Council Communication No. 05-262\)](#)

- (E) Clarke Mosquito Control for mosquito control products and application services and Scott's Helicopter Service for larvicide aerial application services. (Eleven bids mailed, four received).

[\(Council Communication No. 05-236\)](#)

- (F) The Omega Group, sole source provider, for Crimeview Web software to be used by the Police Department, \$48,357.50.

[\(Council Communication No. 05-253\)](#)

49. Bid from ASAP Software Express for Microsoft software products per State of Iowa Contract CT2545 to be used by the Information Technology Department, \$269,126.
50. Civil Service Entrance Lists for Police Information Typist, Painter, Fleet Services Serviceperson, WRF Accounting and Inventory Coordinator, and Promotional List for Senior Police Officer.
51. Authorizing Finance Director to draw checks on the registers of May 12, 2005 and May 19, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of May 9, 2005 and May 16, 2005; and to draw checks of biweekly payroll due May 13, 2005.

## **ORDINANCES - FINAL CONSIDERATION**

52. Amending Chapter 114 of the Municipal Code regarding Parking Restrictions to Facilitate New Drop-Off Postal Boxes—South Side of Grand Avenue between 14<sup>th</sup> Street and 15<sup>th</sup> Street.
53. On amendments to Zoning Ordinance and Site Plan Regulations **(recommendation to delay final action until the May 23rd Council meeting):**

(Council Communication No. 05-245)

- (A) To establish new “C-3B” Central Business District Mixed Use District.
  - (B) To establish design guidelines for review of site plans for development within new “C-3B” District, and requiring Plan and Zoning Commission approval of site plans for vehicle display lots in all districts.
  - (C) To rezone Riverpoint West area to “C-3B” District.
  - (D) To rezone property in vicinity of 122 and 200 SW 16<sup>th</sup> Street to impose additional regulations under “S-O” District.
  - (E) Resolution approving the application of the existing “C-3” “C-3R” and “C-3A” Landscape standards to development within the C-3B” and “D-R” Districts.
54. To rezone property in the vicinity of 900 – 18<sup>th</sup> Street from “C-2” (General Retail and Highway-Oriented Commercial) to “R-3” (Multi-Family Residential), “RHD” (Residential Historic) and “NPC” (Neighborhood Pedestrian Commercial); and to rezone “RHD” (Residential Historic), “R-3” (Multi-Family Residential) and “R1-60” (One-Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial).

**ORDINANCES - SECOND CONSIDERATION**

55. Amending Chapter 26 of the Municipal Code to adopt 2003 International Building Code, 2003 International Existing Building Code, portions of the 2003 International Residential Code, 2003 International Mechanical Code, 2003 International Fuel Gas Code, 2005 National Electric Code, and miscellaneous amendments and reorganization, (Plumbing Code changes have been removed from this ordinance).
56. Amending Chapter 98 of the Municipal Code regarding additional definitions and charges for solid waste collection services.

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

## **ORDINANCES - FIRST CONSIDERATION**

57. Amending Chapter 42 of the Municipal Code regarding permitted hours of operation of sound equipment in the Court Avenue area, that may be authorized by a Type A sound permit.

[\(Council Communication No. 05-250\)](#)

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

## **COMMUNICATIONS/REPORTS**

58. From City Clerk regarding amendments to Council Rules No. 5 and No. 42A.

## **HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 59 THRU 63)**

59. On vacation and sale of a strip of vacated 62<sup>nd</sup> Street right-of-way between Grand Avenue and Walnut Hill Drive, to System Capital Real Property Corporation, \$5,700, (to correct an error in the legal description on Roll Call 01-3078).

- (A) First consideration of ordinance above.

60. On request from H & C Development LLC to amend the Meredith Village townhomes PUD Concept Plan to allow enclosure on an existing deck addition to Building #4.

61. On request from Jose Gonzalez to rezone property at 2009 Clark Street and 1510 M.L. King Jr. Parkway from "C-O" (Commercial Residential) to "C-1" (Neighborhood Retail) to allow site to be occupied as a bakery with retail component.

- (A) First consideration of ordinance above.

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

62. On request from Randall Thompson to rezone property at 2711 Douglas Avenue from "C-1" (Neighborhood Retail Commercial) to "C-2" (General Retail and Highway Oriented Commercial) to bring overall property under common zoning.

- (A) First consideration of ordinance above.
  - (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
63. On items regarding request from Jorge Morales to rezone property at 2218 E. 9<sup>th</sup> Street from “C-1” (Neighborhood Retail Commercial) to Limited “C-2” (General Retail and Highway Oriented Commercial) to allow a garage for general motor vehicle repair:

[\(Council Communication No. 05-244\)](#)

- (A) Recommendation from Plan and Zoning Commission to DENY.
- (B) Closing the Hearing on proposed rezoning.
- (C) Communication from the Union Park Neighborhood Association.

\*\*END HEARINGS AT \_\_\_\_\_ P.M.\*\*

## **APPROVING**

64. Urban Renewal Development Agreement with Mulberry Development, LLC for construction of at least 45 residential condominium units at 112 - 11<sup>th</sup> Street.

[\(Council Communication No. 05-261\)](#)

- (A) Communication from Plan and Zoning regarding request from Mulberry Development, LLC for the vacation and lease of air rights over the east/west alley adjoining 112 - 11<sup>th</sup> Street.
65. Communication from City Manager regarding preliminary terms of Urban Renewal Development Agreement and Economic Development Grant to WKKS Properties, LC (Jeffrey Schachtner, Managing Partner, DSM) for condominium conversion of Des Moines Tire Building, 120 SW 5<sup>th</sup> Street.

[\(Council Communication No. 05-237\)](#)

## 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) 3837 Beaver Avenue, Titleholders: Douglas D. and Katie M. Graham; Mortgage Holder: Commercial Federal Bank, F.S.B.
  - (B) 1401 2<sup>nd</sup> Place, Titleholder: Orlando Oakley; Contract Buyer: Zeferino Alspuro, Jr.; Mortgage Holder: First National Acceptance Company.
  - (C) 1222 12<sup>th</sup> Street (garage), Titleholder: Mooring Tax Asset Group XXXIV, LLC.
  - (D) 1443 12<sup>th</sup> Street, Titleholder: Israel Solano.
  - (E) 2825 SE 14<sup>th</sup> Street, Lot 41, (mobile home), Titleholder of the Real Estate: Dubois Properties, Inc.; Titleholder of the Mobile Home: Jose Castaneda; Mortgage Holder: First Bank.
  - (F) 1248 E. 30<sup>th</sup> Street, Titleholder: Gamut, Inc.; Mortgage Holder: Household Finance Industrial Loan Company of Iowa.
2. The Engineering Department to cause the removal of the structure at 1613 Forest Avenue, Titleholders: James M. and Susan C. James; Mortgage Holders: Jeffrey P. and Rebecca L. Morrow.

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



All-America City  
1949 1976 1981 2003