

DES MOINES CITY COUNCIL MEETING

**October 6, 2003
4:30 P.M.**

PROCLAMATIONS - 4:00 P.M.:

- (a) Central Library 100th Birthday
- (b) Domestic Abuse Awareness Month
- (c) Italian Heritage Month
- (d) Javits/Wagner Day
- (e) White Cane Day

INVOCATION: Jimmy Barrentine, Executive Director/Treasurer Baptist Convention of Iowa

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 41:

LICENSES AND PERMITS:

Approving

4. The following Beer/Liquor Applications:

NEW APPLICATIONS

- (1) Scruffys Deli and Catering, 429 Grand Avenue, B Beer.
- (2) Shop-N-Save, 2127 M L King Jr. Pkwy., E Liquor.
- (3) Shop-N-Save, 2127 M L King Jr. Pkwy., C Beer.
- (4) Shop-N-Save, 2127 M L King Jr. Pkwy., B Wine.
- (5) Wakonda Club, 3915 Fleur Drive, B Wine.
- (6) Wakonda Club, 3915 Fleur Drive, C Liquor.
- (7) Wire Whisk Workshops, 500 E Locust Street, C Beer/Wine.
- (8) Wire Whisk Workshops, 500 E Locust Street, B Wine.

RENEWAL APPLICATIONS

- (9) Best Food Mart, 4028 E 14th Street, C Beer.
- (10) Big Dog Bar & Grill, 2222 Forest Avenue, C Liquor.
- (11) Blues on Grand, 1501 Grand Avenue, C Liquor.
- (12) Breadeaux Pizza, 1901 Beaver Avenue, B Beer.
- (13) Campbells Concessions, 3000 E Grand Avenue, B Beer.
- (14) Campbells Concessions, 3000 E Grand Avenue, B Beer.
- (15) Dahls Foods, 4343 Merle Hay Rd., B Wine.
- (16) Dahls Foods, 4343 Merle Hay Rd., C Beer.
- (17) Drake Diner, 1111 25th Street, C Liquor.
- (18) Fleur Cinema & Cafe, 4545 Fleur Drive, C Beer/Wine.
- (19) G T Race Car Bar, 3013 Ingersoll Avenue, C Liquor.
- (20) Joe and Bettys, 1225 E 30th Street, C Liquor.
- (21) Kartars Mini Mart, 3761 E University Avenue, C Beer.
- (22) Kenny Ds, 3925 E 14th Street, C Liquor.

- (23) Los Primos Bar & Grill, 3800 Merle Hay Rd., C Liquor.
- (24) One Stop Food Mart, 1800 SE 14th Street, C Beer.
- (25) Robins Wood Oven Grill, 6401 SE 14th Street, C Beer/Wine.
- (26) Taste of Thailand, 215 E Walnut Street, C Beer/Wine.
- (27) Trattoria, 207 4th Street, C Liquor.
- (28) Trattoria, 207 4th Street, B Wine.
- (29) Victory Lane Motor Sports Cafe, 3801 Easton Blvd., C Liquor.
- (30) Zimms, 3124 Ingersoll Avenue, C Liquor.

5. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

6. NUMBER NOT USED.

7. Approving Supplemental Agreement No. 1 with Snyder and Associates, Inc. (Stephen R. Rowe, President, Ankeny) for Phase II Construction Services in conjunction with I-235 Group 3 Sanitary Sewer Relocation, \$63,293.

[\(Council Communication No. 03-504\)](#)

8. Approving Private Construction Contract between Manatt's Inc. (Bradford Manatt, President, Johnston), Contractor and Jerry's Homes (Ron Grubb, President, Urbandale), Owner for construction of Street Paving Improvements in the new development Carman Estates Townhomes located at Indianola Avenue and Hart Avenue.

9. Approving the execution of Sidewalk Program/Request to Repair Sidewalk Petition and Waiver form signed by one property owner and Paving or Curb Replacement Program/Request to Repair Driveway Petition and Waiver forms signed by six property owners.

SPECIAL ASSESSMENTS

10. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility fees for September 2003 for certification to Polk County.

11. Authorizing Engineering Department to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for September 2003.

12. Deletion of the following NAC-Emergency Orders Assessment Schedules:

(A) Schedule 2003-07, Certificate 00-10374-00 for \$370.27 for property at 4103 - 29th Street.

(B) Schedule 2003-79, Certificate 00-10542-00 for \$363.56 for property at 3002 - 30th Street.

(C) Schedule 2002-05, Certificate 00-8716-00 for \$373.71 for property at 916 E. 17th Court.

(D) Schedule 2003-01, Certificate 00-09625-00 for \$299.40 for property at 1313 - 21st Street.

(E) Schedule 2003-07, Certificate 00-10381-00 for \$816.64 for property at 1700 M.L. King Jr. Parkway.

(F) Schedule 2002-05, Certificate 00-8729-00 for \$382.16 and Schedule 2002-53, Certificate 00-8871-00 for \$95.00 for property at 900 Morton Avenue.

(G) Schedule 2003-07, Certificate 00-10334-00 for \$396.01 for property at 2122 Maple Street.

(H) Schedule 2003-04, Certificate 00-09967-00 for \$755.55 for property at 2331 E. Grand Avenue.

(I) Schedule 2003-07, Certificate 00-10332-00 for \$436.45 for property at 1751 Des Moines Street.

LAND/PROPERTY TRANSACTIONS

13. Establishing Fair Market Value and authorizing the acquisition of property at 1615 East 18th Street for the Guthrie Avenue Business Park Project, \$10,400 plus closing costs.

14. Approving Final Subdivision Plats for the following:

(A) Lakewood Cove Plat 2, located in the vicinity of Evergreen Avenue and Lakewood Lane.

[\(Council Communication No. 03-488\)](#)

(B) Hillsboro Plat 3, located south of East Luster Lane and east of SE 22nd Street.

[\(Council Communication No. 03-485\)](#)

(C) Carman Estates Plat 1, located south of Easter Lake Drive and east of Indianola Avenue.

[\(Council Communication No. 03-486\)](#)

(D) Carman Estates Plat 2, located south of Easter Lake Drive and east of Indianola Avenue.

[\(Council Communication No. 03-487\)](#)

15. Accepting donation of the Raccoon River Railroad Bridge located east of Gray's Lake, from Burlington Northern and Santa Fe Railway Company and authorization to remove the bridge for the Martin Luther King, Jr. Parkway Project.

[\(Council Communication No. 03-503\)](#)

STREET CLOSURES

16. Approving recommendation of Street Use Team to close the following streets:

(1) David Bagby, representing 45th Street Neighborhood, requesting permission to close 45th Street from Chamberlain to Kingman on Saturday, October 11, 2003 from 3 PM to 9 PM for a neighborhood block party.

(2) Jack Hatch, representing Woodland Avenue Partners, requesting permission to close Woodland Avenue from 15th to 16th Street on Tuesday, October 7, 2003 from 12 PM to 2 PM for a ribbon cutting for a new apartment project.

CITY PLAN COMMISSION RECOMMENDATIONS

17. Regarding preliminary subdivision plat for "Coryn Subdivision", vicinity of 5615 NE 22nd Street (located within the 2 mile jurisdiction).

SETTING DATE OF HEARINGS

18. On conveyance of a 280' dead end stub of Broad Street running east of SW 12th Street to five abutting property owners, (10-20-03).

19. On conveyance of 3300 Scott Avenue to LAB Investment Company, Inc., \$53,000, (10-20-03).

20. On rezoning of property at 2808 E. 16th Street from "R1-60" (One-Family Low-Density Residential), and "R-2" (One and Two Family Residential), to "PUD" (Planned Unit Development), to allow a 47-unit elderly housing apartment building as an expansion of Luther Park Center, (10-20-03).

21. On City's proposed 2004 HUD Consolidated Plan, (11-17-03).

[\(Council Communication No. 03-482\)](#)

(A) Communication from Neighborhood Revitalization Board regarding their funding recommendation for the Five Year Strategy/Fifth Year Action Plan of 2004 Consolidated Plan.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

22. Approving payment of \$6,354.93 to Spiegel & McDiarmid Law Firm for services in conjunction with Brownfields Showcase Community, federal funding, Riverpoint West Development.

23. Approving payment of \$135 to Sullivan & Ward, P.C. Law Firm for assistance in matters pertaining to the National Pollution Discharge Elimination System Permit (NPDES) and environmental issues.

24. Approving payment of \$15,003.10 to Ahlers & Cooney, P.C. for consultation and legal services regarding revision of the Wastewater Reclamation Authority Agreement.

25. Retention of Hall & Associates as special legal counsel regarding renewal of the NPDES Permit for the WRA Wastewater Treatment Plant.

CITY MANAGER COMMUNICATIONS

26. Submitting various traffic regulation changes as follows:

(1) One-Sided Parking Restriction--North Side of E. Marion Street between SE 23rd Street and Evergreen Avenue.

(2) Corner Clearance--South Side of Rose Avenue East of SW 12th Street.

(3) Corner Clearance--South Side of Sheridan Avenue East and West of 35th Street.

[\(Council Communication No. 03-505\)](#)

27. Submitting out-of-state travel for Michael Armstrong and Scott Ralston.

[\(Council Communication No. 03-484\)](#)

APPROVING

28. State of Iowa Community Economic Betterment Account (CEBA) Loan--\$250,000, Economic Development Grant--\$90,000, and City Loan Agreement--\$90,000, for Wausau Benefits, Inc. to assist in funding proposed establishment of client-servicing center.

[\(Council Communication No. 03-494\)](#)

29. Letter of Agreement and Hold Harmless Agreement for Holiday Food Project with Catholic Pastoral Center.

[\(Council Communication No. 03-481\)](#)

30. Additional criteria for review of requests for City support of Low Income Housing Tax Credits (LIHTC) Projects.

[\(Council Communication No. 03-497\)](#)

31. The following items for the East Village Study Block Development Plan:

(A) Request For Proposals (RFP) for facade and structural improvement plan to identify expected improvements and negotiation of an agreement with the selected consultant for approval at a later date.

[\(Council Communication No. 03-496\)](#)

(B) Amendment to designate 411-423 East Grand as a redevelopment parcel.

[\(Council Communication No. 03-495\)](#)

32. Application for Federal Assistance to access grant funds for development of the Des Moines Regional Geographic Information System (GIS).

[\(Council Communication No. 03-498\)](#)

33. Application to the National Park Service for acquisition of surplus Federal property (former Federal Motor Pool Building #87, Fort Des Moines) to be used for a maintenance facility by Blank Golf Course.

[\(Council Communication No. 03-491\)](#)

34. Advertising Renewal and Amendment Agreement, with Ad in the Hole, for tee-marker and cup advertising at the municipal golf courses.

[\(Council Communication No. 03-492\)](#)

35. 28E Agreement with Greater Des Moines Sports Authority for use of City personnel for the 2004 AAU Junior Olympic Games.

[\(Council Communication No. 03-493\)](#)

36. Sewer Connection Fee Agreement and Covenant with Gerald D. Grubb in conjunction with development of Carman Estates, Plat 1.

[\(Council Communication No. 03-501\)](#)

37. Use of various City Facilities as poll sites for precincts 31, 36, 60, 64, and 82 for the Regular City Election to be held Tuesday, November 4, 2003.

38. Communication from Windsor Elementary School to hang a banner on walkway bridge at 5912 University promoting the week of Character Counts, October 20 - 24, 2003.

39. Bids for the following:

(A) Keck Inc. for an annual contract with two additional one year renewal options to furnish fuel. (Seven bids mailed, three received).

(B) Logan Contractor's Supply (Urbandale) for annual contract with two additional one year renewal options to furnish re-bar materials, \$50,000. (Four bids mailed, two received).

40. Authorizing Finance Director to issue checks on the registers of October 9 and October 16, 2003; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 6 and October 13, 2003; and to draw checks for biweekly payroll due on October 17, 2003.

ORDINANCES - SECOND CONSIDERATION

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

- (1) Designation of Handicapped Parking Meters--East and West Sides of 6th Avenue, North of Walnut Street.
- (2) Corner Clearance--North Side of East Locust Street, West of Pennsylvania Avenue.
- (3) Loading Zone--North Side of Locust Street, East of 2nd Avenue.
- (4) Loading Zone--North Side of Raccoon Street, East of SE 8th Street.

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

ORDINANCES - FIRST CONSIDERATION

42. Amending Chapter 114 of the Municipal Code to implement two-way traffic operation of Buchanan Street between East 7th Street and Pennsylvania Avenue.

43. Amending Chapter 26 of the Municipal Code regarding qualifications for appointment to the Housing Appeals Board.

44. Amending Chapter 26 of the Municipal Code regarding enclosure of swimming pools and water recreational facilities.

[\(Council Communication No. 03-489\)](#)

COMMUNICATIONS/REPORTS

45. From Larny Hendricks, 701 Boyd Street, requesting to speak regarding the demolition of his property.

46. From Jonathan L. Phillips, 3116 38th Street regarding personnel issues.

HEARINGS (Opened at _____ P.M.) (Items 47 thru 54)

47. On Building Official's determination that 407 SW Leland constitutes a public nuisance.

[\(Council Communication No. 03-500\)](#)

48. On vacation of the North/South alley between 15th and 16th, and between Pleasant and Park Street.

(A) First consideration of ordinance above.

49. On sale of City property at 215 Watson Avenue, to Richard W. and Alma E. Ziebell, \$4,950 and to Ninetyone CVJC, L.L.C., \$7,425.

50. On sale of City property in the vicinity of 5001 SE 5th Street to Frank Shillak Waite, \$4,400.

51. On sale of a portion of vacated Market Street, in the vicinity of 501 W. Martin Luther King Jr. Parkway, to WKKS Properties, LC, \$241,710, for the Des Moines Tire Building Redevelopment.

(A) First consideration of vacation ordinance.

52. On voluntary annexation of property along the northern extension of 80th Avenue north of Adams Street in Warren County, owned by United Properties Investment Company, L.C. and Echo Valley Investment Company, L.C., Michael A Coppola, Managing Member.

53. Items regarding property at 1181 9th Street, Des Moines Area Community College campus:

(A) Recommendation from Plan and Zoning Commission finding the 10th Amendment to the Omnibus Urban Renewal Plan in conformance with the Des Moines 2020 Community Character Plan.

(B) Hearing on the 10th Amendment to the Omnibus Urban Renewal Plan Amendment to the Model City Prime Service Area, (to sever property from City View Plaza Urban Renewal Plan), and approving same.

[\(Council Communication No. 03-483\)](#)

(C) Amendment to the Des Moines 2020 Community Character Land Use Plan to amending the designation from Low Density Residential to Commercial: Pedestrian-Oriented, Commercial

Corridor, for property owned by Mail Services, L.C. and Des Moines Housing Services, located north of Enos Avenue and east of 9th Street.

(D) Hearing on Council-initiated request to rezone property at 1181 9th Street, the "R-3" and "R-4" (Multiple Family Residential Districts) to Limited "C-1" (Neighborhood Retail Commercial District) to allow for redevelopment of property for off-street parking accessory to reuse the building at 800 University as part of the DMACC campus.

(E) First consideration of ordinance above.

54. On Skywalk 4F - 5F Skylight Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Munro Construction Co. (Patrick T. Munro, President, DSM), \$122,600.

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

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

CITY MANAGER RECOMMENDATIONS

55. Regarding funding of Gateway West Project.

APPROVING

56. Creation of the Highland Park Self-Supported Municipal Improvement District (SSMID) and recommending the City negotiate a contract with the Parks Area Foundation for creation of a Highland Park SSMID Advisory Board.

[\(Council Communication No. 03-490\)](#)

(A) First consideration of ordinance establishing the Highland Park Self-Supported Municipal Improvement District.

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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 6, 2003

MOTION TO CONVENE

AUTHORIZING

1. Court authority to abate the public nuisance at the following location:

(A) 1214 Buchanan (vacant) Titleholder: Richard L. Clough.

(B) 3916 Cornell (vacant) Titleholder: Michael Dean Larson.

(C) 1126 Walker (vacant) Titleholder: Gene Henderson; Legal Interest Holder, Timothy Balin d/b/a Oak Park Investments Partnership XVII.

(D) 3012 E. 8th (vacant) Titleholders: Harold R. Cronin and Jerri Cronin a/k/a Jeri Star; Legal Interest Holders: Contract Finance, L.C., US Bank National Association and MM/US Bank.

2. The Engineering Department to cause the removal of the following structures:

(A) 2620 Dean, Titleholder: Robert Ward Wilson, III; Legal Interest Holder, Fez, Inc.

(B) 1433 5th Street, Titleholder: Jack Kauzlarich.

(C) 1110 22nd Street, Titleholder: Neighborhood Housing Services of America.

MOTION TO ADJOURN AT _____P.M.