

# DES MOINES CITY COUNCIL MEETING

November 7, 2005 4:30 P.M.

## PROCLAMATIONS 4:15 PM

Hunger and Homeless Awareness Week

## INVOCATION

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 53:

## LICENSES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

### NEW APPLICATIONS

(A)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(B)	CARLOS O'KELLYS	6250 SE 14TH ST	C Liquor
(C)	CONNIES LOUNGE	3839 MERLE HAY RD	C Liquor
<del>(D)</del>	<del>EL ARAGON</del>	<del>900 E ARMY POST RD</del>	<del>C Liquor</del>

### RENEWAL APPLICATIONS

<del>(E)</del>	<del>CORIGLIANOS PIZZA</del>	<del>2619 SW 9TH</del>	<del>B Beer</del>
(F)	FAIRGROUNDS 66	303 SE 30TH ST	C Beer
(G)	GINOS RESTAURANT	2809 6TH AVE	C Liquor
(H)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(I)	LORI AND ROYS PLACE	2301 HUBBELL AVE	C Liquor
(J)	PARK AVENUE PUB	1101 PARK AVE	C Liquor
(K)	RUSTYS	2565 WEDGEWOOD RD	C Liquor



- (B) Authorization to proceed and acquire right-of-way for modifications.
- 10. Approving private construction contract between Henning Construction Co., Inc. and Tasty Tacos, Inc. for paving improvements at 5847 SE 14<sup>th</sup> Street.
- 11. Accepting completed construction and approving final payment for the 2004 Expanded Street Resurfacing Program – Residential, Des Moines Asphalt & Paving Co.

### **SPECIAL ASSESSMENTS**

- 12. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2005-15.
- 13. Approving correction of NAC-Emergency Assessment schedules for the following:
  - (A) 1004 E 12<sup>th</sup> Street.
  - (B) 1300 18<sup>th</sup> Street.
- 14. Approving deletion of NAC-Emergency Assessment at 1352 E. 12<sup>th</sup> Street.

### **LAND/PROPERTY TRANSACTIONS**

- 15. Authorization to acquire property along High Street from M L King to 32<sup>nd</sup> Street for the I-235 Ingersoll Run Outlet Storm Sewer Project.
- 16. Approving final plat entitled HAMILTON INDUSTRIAL PARK PLAT 2 in vicinity east of NE 22<sup>nd</sup> Street and north of NE 46<sup>th</sup> Street, (within the 2-mile review area).

[\(Council Communication No. 05-620\)](#)

- 17. Approving final plat entitled HAWS SUBDIVISION 4 in vicinity west of NE 29<sup>th</sup> Street and north of NE 44<sup>th</sup> Place, (within the 2-mile review area).

[\(Council Communication No. 05-619\)](#)

- 18. Conditional approval of final subdivision plats located south of E. Douglas Avenue, north of E. Hull Avenue and west of Village Run Drive for the following:
  - (A) Brook Run Village Plat 13.

[\(Council Communication No. 05-617\)](#)

- (B) Brook Run Village Plat 14.

[\(Council Communication No. 05-616\)](#)

- (C) Brook Run Village Plat 15.

[\(Council Communication No. 05-615\)](#)

19. Approving release of Subdivision Bond No. IAC 29968 for Park Place Estates Plat 1.
20. Approving reduction of Subdivision Bond No. IAC 319333 for Easter Lake Cove Plat 1 from \$35,005 to \$17,006 for partial completion of required sidewalks.
21. Approving two Tax Abatement Applications for improvements to 1231 Jerlynn Avenue and 2904 E. 43<sup>rd</sup> Street and denial of request to backdate applications, filed within two-year grace period.

[\(Council Communication No. 05-613\)](#)

22. Approving Tax Abatement Applications for additional value added by improvements made during 2005 for 140 properties.

[\(Council Communication No. 05-638\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

23. Communication from the Des Moines Public Schools regarding the resignation of Phil Roeder, their representative on the Park and Recreation Board, Seat 15.
  - (A) Appointment of Dick Murphy, to fill unexpired term of Phil Roeder on the Park and Recreation Board, Seat 15, for a three-year term commencing June 30, 2005 to expire June 30, 2008.

## COMMUNICATIONS FROM PLANNING AND ZONING

24. Regarding request from United Properties Investment Company, represented by Michael Coppola, for vacation and conveyance of irregular segments of County Line Road and 85<sup>th</sup> Avenue (extension of Fleur Dr) right-of-way adjoining the property of 8900 85<sup>th</sup> Avenue, subject to conditions.
25. Regarding request from Barton Hicklin for vacation and conveyance of streets and alleys in the vicinity of SW 31<sup>st</sup> Street and Muskogee Avenue (Call City Clerk's Office for complete list), subject to conditions.

## SETTING DATE OF HEARINGS

26. On conveyance of property east of and adjacent to 3523 University Avenue to University Terrace Cooperative Housing, \$1,162.50, (11-21-05).

[\(Council Communication No. 05-632\)](#)

27. On vacation and conveyance of subsurface rights in right-of-way adjoining 417 6<sup>th</sup> Avenue to Better Foods, Inc. and Casson's Market, Inc., \$1,000, (11-21-05).

[\(Council Communication No. 05-635\)](#)

28. On vacation and conveyance of dead end segment of SW 59<sup>th</sup> Street, running south of Tonka Avenue to R. M. Madden Construction, Inc., \$300, (11-21-05).

[\(Council Communication No. 05-633\)](#)

29. On request from Carlos Zamora to rezone property at 1126 21<sup>st</sup> Street from "R1-60" (One-Family Low Density Residential) to "R-3" (Multiple Family Residential) to allow for development of a multiple-family dwelling, (11-21-05).

30. On request from Robert and Beverly Merkle to rezone property proposed for annexation in the vicinity of 5219 NE 38<sup>th</sup> Avenue in Polk County from "A-1" (Agricultural) and "PUD" (Planned Unit Development) to "R1-80" (One Family Residential), (11-21-05).

31. On request from Sith MacVilay to rezone 1140 & 1128 East 9<sup>th</sup> Street and 824, 826, & 832 Filmore Street from limited "C-1" (Neighborhood Retail Commercial) and "C-2" (General Retail and Highway Oriented Commercial) to "NPC" (Neighborhood Pedestrian Commercial) to allow for development of pedestrian oriented commercial center, (11-21-05).

32. On voluntary annexation of approximately 2 acres in Warren County on the southeast and southwest corners of the intersection of County Highway R63 (SW 9<sup>th</sup> Street) and County Line Rd. owned by Larry and Kum Hibbs and Git-N-Go Convenience Stores, Inc., (12-19-05).
  
33. On Voluntary Annexation and declaring the City's support to proceed with the Summerfield Development, (66 ft. wide parcel, north of Aurora and east of NE 46<sup>th</sup> Street) without requirement to improve Aurora Avenue, (1-9-06).

[\(Council Communication No. 05-621\)](#)

34. On release of no-build restriction at 5821 Winona Avenue to Gordon Pralle, \$3,400, (11-21-05).

[\(Council Communication No. 05-634\)](#)

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

35. Approving payment of \$1,341.78 to Hall & Associates for representation regarding IDNR's issuance of TMDLS impacting the MS-4 NPDES Permit (National Pollution Discharge Elimination System permit).
  
36. Approving payment of \$3,495.90 to Myers & Jenkins for representation in UAL Corporation bankruptcy and ATA Holding Corp. bankruptcy.
  
37. Approving payment of \$375 to Nyemaster, Goode, West, Hansell & O'Brien, P.C. for consultation service in conjunction with collective bargaining and related matters.
  
38. Approving payment of \$5,862.04 to Karl Chevrolet and payment of \$410.59 to Enterprise-Rent-A-Car for auto accident.

#### **CITY MANAGER COMMUNICATIONS**

39. Submitting traffic regulation changes as follows:
  - (A) Parking Restriction- Both sides of Carr Street from E. 32<sup>nd</sup> Street to E. 34<sup>th</sup> Street.

- (B) Realignment of Existing Parking Meters, Loading Zone and Resident Permit Parking Area – 13<sup>th</sup> Street between Locust and Grand Avenue.
- (C) Realignment of Existing Parking Meters - Locust Street between 9<sup>th</sup> Street and 10<sup>th</sup> Street.

[\(Council Communication No. 05-631\)](#)

- 40. Regarding funding recommendations for the Second Year Action Plan (2006) of the 2005-2009 HUD Consolidated Plan.

### **APPROVING**

- 41. Closeout documents for the Shelter Plus Care Program (S+C) Grants as follows:
  - (A) Fiscal Year 1993 - \$1,988,400.
  - (B) Fiscal Year 2002 - \$701,976.
  - (C) Fiscal Year 2003 - \$738,792.
- 42. Comprehensive Strategy Environmental Review Record, Finding No Significant Impact on the Environment to Request Release of Funds and certification to HUD, \$5,962,497.
- 43. First Amendment to Development Agreement with Court Avenue Partners II, L.P. and Court Avenue Investors, Inc. (Vacant parcel west and south of the Spaghetti Works Building).

[\(Council Communication No. 05-639\)](#)

- 44. Second Amendment of Development Agreement with Court Avenue Partners I, L.P. and Court Avenue Investors, Inc. (Spaghetti Works Building at 308 Court Avenue).

[\(Council Communication No. 05-640\)](#)

- 45. Receipt of communication from City Manager regarding City's Affordable Housing Policy and the adopted criteria for reviewing Low-Income Housing Tax Credit.

[\(Council Communication No. 05-628\)](#)

46. Recommendations regarding Low Income Housing Tax Credit Applications to Iowa Housing Finance Authority by the following:
- (A) Support of application by Curly Top LLC for construction of 40 units of Senior Housing at 1720 SW 1<sup>st</sup> Street.
  - (B) Support of application by Chestnut Hills Limited Partnership for rehabilitation of 43 units of Family Housing at 921 Pleasant (Hawthorne Hill Building).
  - (C) Support of application by James C. Conlin for new construction of 72 units of Family Housing at 6000 Creston Avenue.
  - (D) Support of application by James C. Conlin for rehabilitation of 36 units of Family Housing at 677 16<sup>th</sup> Street.
  - (E) Support of application by Mercy Housing, Inc. and Anawim Housing for renovation of 67 units of Family Housing in the vicinity of SE 17<sup>th</sup> and Kirkwood.
  - (F) Denying support of application by Cherry Lane Company, LLLP for new construction of 46 units of Family Housing on 5 acres in the 4500 block of Hubbell Avenue.
  - (G) Denying support of application by Garrison Hassenflu, General Partner, of Old Des Moines Housing Partners, L.P. for renovation of 52 units of Family Housing at 340 SW 5<sup>th</sup> Street.

[\(Council Communication No. 05-626\)](#)

47. Utility Pole Banner Agreement with MidAmerican Energy to allow the Park and Recreation Department to place pole banners promoting events and activities at the James W. Cownie Soccer Park along Hartford Avenue between S.E. 14<sup>th</sup> and the Soccer Park entrance.

[\(Council Communication No. 05-624\)](#)

48. Appointing members to Court Avenue Request for Information (RFI) Review Committee.
49. Agreement with Koch Brothers for copier services and related equipment services for 3 years with 3 one-year renewals.

[\(Council Communication No. 05-627\)](#)



50. Civil Service Entrance Lists for Identification Technician, Police Budget Specialist and Park and Aviation Maintenance Technician and Promotion List for District Fire Chief.
51. Bids from the following:
  - (A) Tough Solutions, for Panasonic laptop computers per State of Iowa Contract CT2940MV to be used by the Fire Department, \$292,284.  

[\(Council Communication No. 05-629\)](#)
  - (B) Construction & Aggregate Products, \$21,355 and Industrial Supply Solutions, \$5,525 for steel cutting edges for snow plows and motor patrols to be used by Fleet Maintenance Center of Public Works Department, total cost of \$26,880. (Four bids mailed, three received).
52. Authorizing Finance Director to draw checks on the registers of November 10, 2005 and November 17, 2005; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 7, 2005 and November 14, 2005; and to draw checks for biweekly payroll due November 10, 2005.

**ORDINANCES - SECOND CONSIDERATION**

53. Vacating a strip of street right-of-way from the north side of Ingersoll Avenue adjoining 2811 Ingersoll.

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

**ORDINANCES - FIRST CONSIDERATION**

54. Amending Chapter 2 of the Municipal Code to authorize City Attorneys to sign notices and affidavits given in the proceedings, to convert tax sale certificates held by the City to tax deeds.
  - (A) Final consideration of ordinance above, (waiver requested by City Attorney), requires six votes.
55. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
  - (A) **NEW** Administrative process for corner clearance parking restrictions up to 150 feet.

(B) Corner Clearance Extension-north side of Arthur Avenue, east of E. 14<sup>th</sup> Street.

(C) Corner Clearance – south side of Chamberlain Drive, west of 45<sup>th</sup> Place.

## **COUNCIL REQUESTS**

56. From Council Member Archie Brooks to discuss request from Richard Felice, 1942/1954 Indianola Avenue, to remove the sidewalk section adjacent to South Union Street.

## **COMMUNICATIONS/REPORTS**

57. From Jeffrey J. Weiss, 3118 Aurora Avenue, to speak regarding a resolution in support of the United States withdrawal of troops in Iraq.

58. From Nanette J. Rinner, 2614 E. 29<sup>th</sup> Street, to speak regarding the Grandview Golf Course sledding hill.

59. Petition to expand the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID).

**\*Note: If the City Council completes all items above before 5:00 PM, they will skip the Hearing Items, and continue the agenda starting with the next item following the Hearings. At 5:00 PM, they will return to this point in the agenda to consider the Hearing Items and then continue with all the remaining items on the agenda.**

## **HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 60 THRU 66)**

60. On matters regarding the application of Spence Family LP (owner) represented by Helen B. Spence, Partner, for voluntary annexation and rezoning of approximately 249 acres located south of the North River and east of Highway 65/69:

(A) Amendment to the Des Moines 2020 Community Character Land Use Plan to designate portions of the property as Low Density Residential; Commercial: Auto-Oriented Community Commercial; and Development

Control Zone, for property in the vicinity of 12839 Carpenter Trail, Warren County.

- (B) Approving voluntary annexation of property.
- (C) Approving rezoning of property from “A-1” (Agricultural) to “R1-60” (One Family Residential), “C-2” (General Retail and Highway Oriented Commercial), and “U-1” (Floodplain).
  - (1) First consideration of ordinance above.
  - (2) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

61. On Voluntary Annexation and Rezoning of property east of Lower Beaver Road at the eastern end of Bel Aire Road, Twana Drive and Valdez Drive and at the northern end of Martin Luther King Jr. Parkway, (Tai Village Inc. and Savannah Homes Inc.), **and to continue to November 21, 2005 at 5:00 P.M.**

[\(Council Communication No. 05-622\)](#)

62. On application for Voluntary Annexation, including some land without owners’ consent, from Norman R. Havel and Patricia A. Havel Family Trust, seeking annexation of approximately 130 acres of land north of NE 38<sup>th</sup> Avenue (E. Douglas) between NE 48<sup>th</sup> Street and Highway 65.
63. On release of sanitary sewer easement across 2950 SW 30<sup>th</sup> Street, John D. and Patricia A. Shors, \$1.
64. On Supplement No. B3 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing and Capital, LLC, for acquisition and financing of two front-loading refuse trucks and one automated refuse truck for the Solid Waste Enterprise, not to exceed \$400,000.

[\(Council Communication No. 05-614\)](#)

- (A) Authorization for additional actions.

65. On Combined Walnut Creek Trail-Phases 1A & 1B and American Discovery Trail-Segments 1 & 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Grimes Asphalt & Paving Corp., (J.M. Yonker, President, Grimes), \$1,097,222.70.

[\(Council Communication No. 05-612\)](#)

- (A) Approving contract and bond and permission to sublet.
66. On Fleur Trail Connector: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and submission of bids.

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

## **APPROVING**

67. Issuance of \$28,185,000 General Obligation Refunding Bonds, Series 2005E, and levying a tax to pay.
- (A) Redemption of outstanding General Obligation Bonds, Series 1999A and 2000D, directing notice of redemption be given and appointing Bankers Trust Company, N.A. as registrar and paying agent.
68. Economic Development Grant to Des Moines Community Investment Corporation for commissioning a Comprehensive Study of the Downtown Area, not to exceed \$75,000.
69. Negotiation with Polk County Conservation Board (PCCB) and RDG Greenwood Studios to develop Intergovernmental 28E Agreement for reuse of the old Science Center Facility for conservation and art uses.

[\(Council Communication No. 05-623\)](#)

70. Acceptance of Department of Justice, 2005 Communications Interoperability Grant for improved voice communications between police, fire and emergency medical services in greater Polk County area.

[\(Council Communication No. 05-625\)](#)

71. City of Des Moines to serve as Sub-grantee and Fiscal Agent for Management and Administration of Statewide Explosive Ordinance Disposal (EOD) and Special Weapons and Tactics (SWAT) Programs for (Iowa's) State Homeland Security Grant Programs (SHSGP) for FY2004 and FY2005.

[\(Council Communication No. 05-630\)](#)

**BOARD OF HEALTH**

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
  - (A) 2601 Lyon Street (garage), Titleholders: Harley V. Clay and Carolyn B. Clay.
  - (B) 1814 Martin Luther King Jr. Parkway, Titleholder: Mid-Ohio Securities Corporation as Custodian FBO W. Frank Tanner IRA; Contract Buyer: Joseph Hogue.
2. The release of the demolition cost reserve held by Allied Insurance under claim number 14R41969 regarding the garage located at 2720 Logan Avenue insured by Nellie Watts.

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

All-America City  
1949 1976 1981 2003