

DES MOINES CITY COUNCIL MEETING

December 6, 2004 4:30 P.M.

- 3:00 – 4:00 P.M. Reception honoring Michael Armstrong – City Hall, Second Floor
Recipient of the 2004 Distinguished Information Sciences Award
- 3:45 – 4:00 P.M. Municipal Housing Governing Board Meeting
- 4:00 – 4:15 P.M. Award Presentation to Michael Armstrong
- 4:15 – 4:30 P.M. Proclamations and Special Presentations
- Des Moines Choral Society Day
 - Human Rights Month
 - Holiday Food Program Weeks

INVOCATION: Pastor Tony Thurston
College Avenue Christian Church

1. ROLL CALL – 4:30 P.M.
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 35:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License applications for the following:

NEW APPLICATIONS

(A)	DICKEY DOOGANS	1201 E ARMY POST ROAD	C Liquor
(B)	LA CRUZ #3	3900 E 14TH ST	C Beer
(C)	LAGNIAPPE	3800 MERLE HAY RD	B Native
	Wine		
(D)	PLAZA PANTRY	300 WALNUT ST	C Beer

- | | | | |
|-----|-----------------------|------------------|----------|
| (E) | PORKYS DINER | 4444 DOUGLAS AVE | B Beer |
| (F) | SKYLINE BAR AND GRILL | 2222 FOREST AVE | C Liquor |

RENEWAL APPLICATIONS

- | | | | |
|-----|----------------------|--------------------|----------|
| (G) | BJM FOOD MART | 3625 INGERSOLL AVE | C Beer |
| (H) | BUZZARD BILLYS | 100 COURT AVE | C Liquor |
| (I) | CITGO GAS STATION | 4600 FLEUR DR | C Beer |
| (J) | CLUB STATIK | 215 E 2ND ST | C Liquor |
| (K) | DEN | 4369 MERLE HAY RD | C Liquor |
| (L) | GIT N GO STORE #2 | 1307 ARMY POST RD | C Beer |
| (M) | HY VEE FOOD STORE #2 | 2540 E EUCLID AVE | E Liquor |
| (N) | K-BOOM | 319 COURT AVE | C Liquor |
| (O) | KUM & GO #60 | 806 SE 14TH ST | C Beer |
| (P) | MR. V's | 206 INDIANOLA | C Liquor |
| (Q) | TUMEA AND SONS | 1501 SE 1ST ST | C Liquor |

SPECIAL EVENT APPLICATIONS

- | | | | |
|-----|-----------------------|---------------|----------------|
| (R) | WINSTONS PUB & GRILLE | 800 WALNUT ST | C
Beer/Wine |
|-----|-----------------------|---------------|----------------|
- Five-day license in conjunction with Dig Downtown on December 17, 2004. Pending approval of Building, Electrical, Fire and Zoning Departments.

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

PUBLIC IMPROVEMENTS

7. Execution of Iowa Department of Transportation Preconstruction Agreement for storm sewer construction along Rollins Avenue and 33rd Street.

[\(Council Communication No. 04-617\)](#)

8. Approving completion and recommending acceptance of the following Private Construction Contracts:
 - (A) McAninch Corporation and James C. Conlin for Sanitary Sewer Improvements at 2900 Southern Hills Circle.
 - (B) McAninch Corporation and Triton Homes, Inc. for Sanitary Sewer Improvements at 936 McKinley Avenue.
 - (C) Corell Contractor, Inc. and Nelson Development 10, LLC for Storm Sewer Improvements at 430 Grand Avenue.

- (D) Double T Asphalt Co., Inc. and Des Moines Public Schools for Street Improvements at Greenwood Elementary School, 316 37th Street.

- 9. Communication from Cramer and Associates, Inc. requesting permission to sublet items on the Agrimergent Technology Park Storm Sewer Outlet and Pump Station Project.

- 10. Accepting completed construction and approving final payment for the following:
 - (A) 2002/2003 Paving Program, M. Peterson Construction Co.

 - (B) M. L. King, Jr. Parkway Demolition No. 6 E/W, Metro Wrecking & Excavating, Inc.

LAND/PROPERTY TRANSACTIONS

- 11. Approve and accept real estate documents for the following:
 - (A) Property (Lots 12 & 13 Adler Place including 20 ft. adjoining strip of land) for the Closes Creek Storm Water Improvement Project, \$ 10,000 plus closing costs.

 - (B) 5575 McKinley Avenue, for the Airport Runway 13R/31L Project, \$225,000 plus closing costs.

 - (C) Establishing fair market value for property at 2625 McKinley Avenue for the McKinley Avenue reconstruction project, \$10,070 plus closing costs.

- 12. Payment of Condemnation Award for acquisition of property at 4901 Fleur Drive for the Runway Protection Zone Project, \$1,548,445 plus closing costs.

- 13. Authorization to proceed with right-of-way acquisition for the American Discovery Trail, Walnut Creek Connection, Phase III-Segment A, \$408,000.

[\(Council Communication No. 04-620\)](#)

14. Authorization to proceed with right-of-way acquisition for the S.W. 9th Street and County Line Road intersection improvements.
15. Amendment to existing easement for storm sewer right-of-way at 4121 SE 14th Street.

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. Approving Neighborhood Revitalization Board's recommendation of Charter status for Greenwood Historic Neighborhood and continued designated status for Fairground, Gray's Woods, North of Grand and Sherman Hill Neighborhoods until January 1, 2007.

[\(Council Communication No. 04-609\)](#)

- (A) Letter from Neighborhood Revitalization Board.
17. Appointing a City representative to the Central Iowa Committee, regarding metropolitan design standards and specifications.
18. Recommendation of Mayor Frank Cownie to appoint Frank Owens to Seat 11 on the Neighborhood Revitalization Board for a three-year term commencing July 1, 2004 to expire July 1, 2007.
19. Recommendation of Council Member Robert Mahaffey to appoint Jacquelyn Seymour to Seat 3 on the Neighborhood Revitalization Board for a three-year term commencing July 1, 2003 to expire July 1, 2006.
- 19I Recommendation of Council Member Archie Brooks to appoint Steven J. Bell to Seat 7 on the Urban Design Review Board for a three-year term commencing July 1, 2002 to expire on June 30, 2005.
20. Communication from John LaBonia advising of his resignation from the Sister Cities Commission (Seat 7) effective immediately.

SETTING DATE OF HEARINGS

21. On City-initiated request to rezone property in the vicinity 1810 Forest Avenue from “C-2” (General Retail and Highway Oriented Commercial) to “R1-60” (One Family Low Density Residential), (12-20-04).
22. On sale of 3rd Street right-of-way between University and Laurel, to Health Initiatives – Iowa Corp. d/b/a Mercy Medical Center, \$180,000, (12-20-04).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

23. Approving payment of \$2,645.44 to Myers & Jenkins Law Firm for representation of the City in the UAL Corporation Bankruptcy and ATA Holding Corp. Bankruptcy.
24. Approving payment of \$39,105 to Charles Brookhart for injury sustained during course and scope of employment.
25. Approving payment of \$47,200 to Fred Cahhal for injury sustained during course and scope of employment.

CITY MANAGER COMMUNICATIONS

26. Regarding tax increment needs for fiscal year 2005/2006.

[\(Council Communication No. 04-612\)](#)

APPROVING

27. Execution of HOME Documents for the Rose of Des Moines Development Project.

[\(Council Communication No. 04-610\)](#)

28. Termination of a City economic development loan agreement with Wausau Benefits.

[\(Council Communication No. 04-607\)](#)

29. Process for acquisition and assignment of Polk County tax certificates for June 2005 auction.

(A) Staff to solicit proposals for purchase and renovation of certain tax delinquent public nuisance properties.

[\(Council Communication No. 04-619\)](#)

30. First Amendment to Development Agreement for property at 711-16th Street located in Sherman Hill.

31. Amendment Two to the John R. Grubb YMCA Weed & Seed Community Activities Project.

32. Communication from Downtown Community Alliance on behalf of Transportation Management Association to approve banner design for 42 banners in downtown Des Moines on Locust and Walnut Streets throughout 2005.

33. Bid from Intergraph Public Safety (sole area wide distributor) for a software upgrade to the City's Computer Aided Dispatch System (CAD) and Records Management System (RMS), \$41,200.

34. Finance Director to draw checks for check registers of December 9 and December 16, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of December 6 and December 13, 2004; and to draw checks for biweekly payroll due December 10, 2004.

ORDINANCES - SECOND CONSIDERATION

35. Rezoning property in the vicinity of 1902-1925 Lyon Street and 1916-1922 Des Moines Street from "R1-60" (One Family Low Density Residential) to Ltd. "M-1" (Light Industrial).

(A) Final consideration of ordinance above, (waiver requested by Leachman Lumber), requires 6 votes.

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

ORDINANCES - FIRST CONSIDERATION

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

(A) Corner Clearance-east side of East 22nd Court, north of Maple Street.

- (B) Corner Clearance-east side of Beaver Avenue, north and south of 37th Street.
- (C) Corner Clearance-south side of Cottage Grove Avenue, west of 26th Street.
- (D) Stop Sign Removal-east approach of Easter Lake Drive and SE 34th Street.
- (E) Additional Parking Meters-south side of Locust Street from 9th Street to 12th Street.

37. Amending Chapter 102 of the Municipal Code regarding division lines used for naming City Streets and assigning address numbers.

[\(Council Communication No. 04-606\)](#)

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

38. Amending Chapter 74 of the Municipal Code establishing the 2005 fees for golf courses, Sylvan Theater, swimming pools and Birdland marina.

[\(Council Communication No. 04-616\)](#)

COMMUNICATIONS/REPORTS

39. From Alan Fagan, 4528-50th Street, requesting to speak regarding safety of freeway lighting, entrance ramps and streets.

HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 40 THRU 45)

40. On items regarding the Drake University Stadium Renovation:

- (A) Recommendation from Traffic Safety Committee.

[\(Council Communication No. 04-618\)](#)

- (B) Hearing on vacation of 28th Street from Forest to Clark.

- (1) Second consideration of ordinance above.

- (2) Final consideration of ordinance above, (waiver requested by Drake University), requires 6 votes.
 - (C) **Hearing on vacation and conveyance of Clark Street from 27th to 28th and to continue the hearing on the conveyance.**
 - (1) Second consideration of vacation ordinance above.
 - (2) Final consideration of vacation ordinance above, (waiver requested by Drake University), requires 6 votes.
 - (D) Setting Date of Hearing on conveyance of 28th Street, from Forest to Clark, (12-20-04).
41. On appeal from Robert Grafton, 2028 Lay Street of the Administrative Hearing Officer's decision regarding vicious dog declaration.
42. On vacation and conveyance of an easement upon a portion of the public right-of-way adjoining 111-10th Street, to Robert Bergazyn, purchaser, (\$100).
- (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by Robert Bergazyn), requires 6 votes.
43. On request from Neighborhood Development Corporation to rezone property north of East Grand Avenue between East 15th Street and East 16th Street from "C-2" (General Retail and Highway Oriented Commercial) to "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.
44. On SW 9th Street Viaduct over M.L. King, Jr. Parkway and Railroad Bridge Rehabilitation: Resolution approving plans, specifications, form of contract documents, Engineers estimate and designating lowest responsible bidder as Christensen Bros., Inc. (Scott Christensen, President), \$1,327,654.

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

45. On 2004 Sanitary Sewer Lining Program-Contract 1: Resolution approving plans, specifications, form of contract documents, Engineers estimate and designating lowest responsible bidder as Visu-Sewer Clean & Seal, Inc., (Keith M. Alexander, President), \$2,483,147.50.

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

END HEARINGS AT _____ P.M.

APPROVING

46. The following items regarding East Village:

(A) Urban Renewal Development Agreement with East Village Square Apartments, L.P.

[\(Council Communication No. 04-611\)](#)

(B) East Village Square Partners, L.P. application for Enterprise Zone Benefits for a project in Des Moines.

[\(Council Communication No. 04-608\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

1. Authorizing the Engineering Department to remove the structure located at 410 E. 24th Street, Titleholder: Thomas Daniels.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003