

SUMMARY OF DES MOINES CITY COUNCIL MEETING

October 20, 2003 4:30 P.M.

PROCLAMATIONS - 4:15 P.M.:

- (a) Des Moines Jazz History Day
- (b) Recognition by Iowa Juneteenth Celebration

INVOCATION: Imam Ako Abdul-Samad, Islamic Center of Des Moines

03-2366 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis.**

03-2367 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2368 3. APPROVING CONSENT AGENDA - items 3 through 40: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

03-2369 4. The following Beer/Liquor Applications: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

- (1) Family Pantry, 4538 Lower Beaver Rd., E Liquor.
- (2) Family Pantry, 4538 Lower Beaver Rd., C Beer.
- (3) Family Pantry, 4538 Lower Beaver Rd., B Wine.

RENEWAL APPLICATIONS

- (4) Blazing Saddle, 416 E 5th Street, C Liquor.
- (5) Blues on Grand, 1501 Grand Avenue, C Liquor.

- (6) Casa Vallarta Restaurant, 2327 Euclid Avenue, C Liquor.
- (7) Dallys Pub and Emporium, 430 E Locust Street, C Liquor.
- (8) Git N Go Store #6, 5736 Franklin Avenue, C Beer.
- (9) Petropointe on Second, 1501 2nd Avenue, C Beer.
- (10) Taste of Thailand, 215 E Walnut Street, C Beer/Wine.

03-2370 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

03-2371 6. Communication from Cedar Valley Corporation requesting permission to sublet on the Douglas Avenue Widening at Beaver Avenue public improvement project. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2372 6-I. Approving Private Construction Contract between Breiholz Construction Company (David J. Ward, President, DSM, Contractor), and Greater Iowa Credit Union (Merrill K. Sharp, President, Ames, Owner) for construction of Street Improvements to pave section of alley starting at Des Moines Street to approximately 150 feet to the north and located one block to west of 600 East 30th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

03-2373 7. Deletion of NAC-Emergency Orders Assessment Schedule 2003-56, Certificate 00-10489-00 for \$170 for property at 4125 - 47th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

03-2374 8. Authorizing payment of Condemnation Award for acquisition of property for the Agrimergent Technology Park Storm Water Pump Station Project, \$1,150 plus sheriff's fees and jury expenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2375 9. Authorization to proceed with right-of-way acquisition of property for the Deans Lake Outlet Storm Sewer Project-Phase 1, \$25,000 estimated cost. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2376 10. Authorization to enter into a purchase agreement for acquisition of property at 100 E. 2nd Street and 101-131 E. 2nd Street, from C&C Realty Ltd., and Charles A. Colosimo and Carolyn M. Colosimo, \$1,630,000. **Moved by Brooks to adopt. Motion Carried 7-0.**

03-2377 10I. Approve and accept real estate documents for property for the Upper Union Park Sewer Project, \$8,650 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

03-2378 11. Recommendation of Mayor Preston Daniels, to appoint Theodore J. Boesen, Jr. to the Metropolitan Transit Authority (MTA), (Seat #3) for a six year term commencing May 29, 2001 to expire May 29, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2379 11I. Recommendation of Mayor Preston Daniels to reappoint Jacqueline Easley to the Metropolitan Transit Authority (MTA), (Seat #1) for a six year term commencing May 29, 2002 to expire May 29, 2008. **Moved by Hensley to adopt. Motion Carried 7-0.**

12. Recommendations from Council Member Archie Brooks as follows:

03-2380 (A) Appointment of William LaHay to the Urban Design Review Board (Seat #11) to fill unexpired term of Kathleen Little to expire June 30, 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2381 (B) Reappointment of Rebecca Morelock to City Plan Commission (Seat #25) for a five year term commencing July 1, 2003 to expire July 1, 2008. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2382 (C) Reappointment of John Rector to the Park and Recreation Board (Seat #13) for a four year term commencing June 30, 2003 to expire June 30, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN 03-2383 (D) Reappointment of John Edge to the Licensing and Appeals Board (Seat #14) for a three year term commencing April 1, 2002 to expire April 1, 2005.

03-2384 (E) Reappointment of Charles Meier to the Licensing and Appeals Board (Seat #7) for a three year term commencing April 1, 2003 to expire April 1, 2006. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2385 13. Communication from Alan Wolf advising of his resignation from the Licensing and Appeals Board (Seat #5) effective October 7, 2003. **Moved by Hensley to receive, file, and accept resignation with appreciation for service. Motion Carried 7-0.**

STREET CLOSURES

03-2386 14. Approving recommendation of Street Use Team to close the following streets: **Moved by Hensley to adopt. Motion Carried 7-0.**

(1) Pam Kulik, representing Downtown Community Alliance, requesting permission to close 4th Street from Walnut Street to Court Avenue on Friday, November 28, 2003 from 3:30 PM to 9 PM for Miracle on 4th.

CITY PLAN COMMISSION RECOMMENDATIONS

03-2387 15. Regarding request from Aviation Director to vacate the following streets for incorporation into the Des Moines International Airport: **Moved by Hensley to adopt and to refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.**

(1) SW 28th Street from Littell Avenue to Relocated Army Post Road.

(2) SW 28th Court from Vacated Army Post Road to Littell Avenue.

(3) SW 30th Street from Vacated Army Post Road to Littell Avenue.

(4) Littell Avenue from SW 28th Street to SW 30th Street.

SETTING DATE OF HEARINGS

03-2388 16. On proposed new "D-R" (Downtown Riverfront) zoning district and rezoning of property, (11-3-03). [\(Council Communication No. 03-516\)](#). **Moved by Brooks to adopt. Motion Carried 7-0.**

03-2389 (A) Communication from William Lillis, Connolly Law Firm, and Meredith Corporation representatives, requesting to speak regarding gaming and zoning issues along the proposed Riverwalk. **Moved by Coleman to receive, file and grant the request to speak. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

03-2390 17. Approving payment of \$20,202.03 to Ahlers & Cooney for consultation and legal services regarding revision of the Wastewater Reclamation Authority Agreement. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2391 18. Approving payment of \$7,338.84 to Ahlers & Cooney for bond counsel services related to Series 2003E General Obligation Refunding Bonds. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2392 19. Approving payment of \$225 to Ahlers Law Firm for environmental law counsel services in conjunction with acquisition and litigation services regarding environmentally

contaminated properties for the Martin Luther King, Jr. Parkway Project (DICO). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

03-2393 20. Approving payment of \$55 to Ahlers Law Firm for assistance in resolution of certain environmental matters in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2394 21. Approving payment of \$481.74 to Spiegel & McDiarmid Law Firm for services in conjunction with the Brownfields Showcase Community, federal funding, Riverpoint West Redevelopment and related matters. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2395 22. Approving payment of \$1,270.24 to William Jenkins and law firm of Myers & Jenkins for representation of the City in the UAL Corporation bankruptcy. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2396 23. Approving payment of \$5,810.06 to Duncan, Green, Brown, Langeness & Eckley for representation of City in matters relating to airport parking garages. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2397 24. Approving payment of \$394.96 to Nyemaster Law Firm for airport title opinion work. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

03-2398 25. Submitting various traffic regulation changes as follows: ([Council Communication No. 03-514](#)). **Moved by Hensley to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(A) Two-way stop - East 17th Street at Garfield Avenue.

(B) Corner Clearance - south side of Wilmers Avenue, east of SE 3rd Street.

(C) Corner Clearance - south side of Rollins Avenue, east of 40th Place.

(D) Corner Clearance - north side of Capitol Avenue, east of East 21st Street.

03-2399 26. Submitting out-of-state travel for Tim Nading, Larry Hare, and Jacqueline Nickolaus. ([Council Communication No. 03-509](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

03-2400 27. Acceptance of 2003 Local Law Enforcement Grant Award, \$167,303. ([Council Communication No. 03-511](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

28. Items regarding Highland Park SSMID:

03-2401 (A) Agreement with the Highland Park Foundation, regarding operation. ([Council Communication No. 03-512](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2402 (B) Second consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

03-2403 (C) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,279. Motion Carried 7-0.**

29. Communications from Downtown Community Alliance requesting permission to display banners on behalf of the following:

03-2404 (A) Ballet Theatre of Des Moines to display 36 banners on Fifth and Grand Avenue during the month of November 2003. **Moved by Hensley to receive, file and approve banner design as submitted. Motion Carried 7-0.**

03-2405 (B) Des Moines Art Center to display 36 banners on Locust Street, Eighth Street, and Grand Avenue during November and December 2003. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 7-0.**

03-2406 (C) Operation Downtown and Ampco System Parking to display 48 banners on Locust Street and Grand Avenue during November and December 2003. **Moved by Hensley to receive, file and approve banner design as submitted. Motion Carried 7-0.**

03-2407 30. Receipt of Quarterly Treasurer's Report as of September 30, 2003. **Moved by Hensley to receive and file. Motion Carried 7-0.**

03-2408 31. Police Department grant application for purchase of two lap top computers for use by arson investigators in the field, \$7,366. ([Council Communication No. 03-510](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2409 32. Civil Service Promotional List for Semi Skilled Worker and Entrance List for Park and Recreation Fund Development Supervisor. **Moved by Hensley to receive and file. Motion Carried 7-0.**

03-2410 33. Authorizing Finance Director to issue checks on the registers of October 23 and October 30, 2003; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of October 20 and October 27, 2003; and to draw checks for biweekly payroll due on October 31, 2003. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

03-2411 34. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance do now pass, [#14,280](#). Motion Carried 7-0.**

(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.

ORDINANCES - SECOND CONSIDERATION

03-2412 35. On vacation of Market Street in the vicinity of 501 W. Martin Luther King Jr. Parkway. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

03-2413 (A) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,281](#). Motion Carried 7-0.**

03-2414 36. On vacation of the North/South alley between 15th and 16th, and between Pleasant and Park Streets. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

03-2415 (A) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,282](#). Motion Carried 7-0.**

03-2416 37. On rezoning of property at 1181 9th Street, from the "R-3" and "R-4" (Multiple Family Residential Districts) to Limited "C-1" (Neighborhood Retail Commercial District). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

03-2417 (A) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council**

meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,283](#). Motion Carried 7-0.

03-2418 38. Amending Chapter 26 of the Municipal Code regarding enclosure of swimming pools and water recreational facilities. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

03-2419 (A) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,284](#). Motion Carried 7-0.**

03-2420 39. Amending Chapter 114 of the Municipal Code to implement two-way traffic operation of Buchanan Street between East 7th Street and Pennsylvania Avenue. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

03-2421 (A) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,285](#). Motion Carried 7-0.**

03-2422 40. Amending Chapter 26 of the Municipal Code regarding qualifications for appointment to the Housing Appeals Board. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

03-2423 (A) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,286](#). Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

03-2424 41. Amending Chapter 30 of the Municipal Code regarding licensing of and transaction fees for Pawnbrokers. ([Council Communication No. 03-515](#)). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-2. Nays: Coleman and Cownie.**

03-2425 42. Amending Chapter 10 of the Municipal Code regarding civil penalties for liquor licensed establishments, and adding new classification for Native Wine permits. ([Council](#)

[Communication No. 03-517](#)). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

03-2426 (A) Final consideration of ordinance above, (waiver requested by City Clerk and Legal Department), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,287](#). Motion Carried 7-0.**

03-2427 43. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(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.

03-2428 (A) Final consideration of ordinance above. **Moved by Vlassis that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,288](#). Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

03-2428I 44. Request from Mayor Daniels to place a loading zone in front of Suites of 800 Locust. **Moved by Brooks to receive, file and refer to City Manager for review and recommendation. Motion Carried 7-0.**

45. NUMBER NOT USED

03-2429 46. From Robert French, 1119 E. 13th Street, requesting to speak regarding fees for animal licenses. **Moved by McPherson to receive and file. Motion Carried 7-0. Mr. French did not appear at the meeting.**

03-2430 47. Petition from area residents requesting construction of sidewalks on the west side of SW 15th Street from Geil Avenue to Havens Avenue. **Moved by Vlassis to receive, file and refer to City Manager and City Engineer for review and recommendation. Motion Carried 7-0.**

HEARINGS (Opened at 5:30 P.M.) (Items 48 thru 52)

03-2431 48. Approving amendment to the 2020 Community Character Land Use Plan to revise the future land use designation at 2808 E. 16th Street from Low Density Residential to High Density Residential. **Moved by McPherson to adopt and approve the proposed amendment. Motion Carried 7-0.**

03-2432 (A) Hearing on request from Luther Care Services to rezone property at 2808 E. 16th from "R1-60" (One Family, Low Density Residential) and "R-2" (One and Two Family Residential) to a "PUD" (Planned Unit Development), and approving a "PUD" Conceptual Plan to allow development of a 47 unit elderly housing apartment building. **Moved by McPherson to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance. City Manager to report on the impact this project will have on the stormwater in the neighborhood. Motion Carried 7-0.**

03-2433 (B) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

WITHDRAWN 03-2434 (C) Final consideration of ordinance above, (waiver requested by owner), requires 6 votes.

03-2435 49. On conveyance of 3300 Scott Avenue to LAB Investment Company, Inc., \$53,000. **Moved by Brooks to adopt. Motion Carried 7-0.**

03-2436 50. On vacation and conveyance of a 280' dead end stub of Broad Street running east of SW 12th Street to five abutting property owners. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2437 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

03-2438 (B) Final consideration of ordinance above, (waiver request by Legal Department), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,289](#). Motion Carried 7-0.**

03-2439 51. On WRF W3 Water System Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Van Hauen & Associates, Inc. (Mark Van Hauen, Vice President/CEO, Clive), \$425,000. ([Council Communication No. 03-513](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-2440 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-2441 52. On exchange of City-owned property south of Forest Avenue between 19th and M.L. King Jr. Parkway, to Polk County, for additional 19th Street right-of-way. **Moved by**

Vlassis to adopt. Motion Carried 7-0.

* * END HEARINGS at 5:46 P.M. * *

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.

03-2442 1. Request from Council Members Brooks and Cownie to receive and file the Health Insurance Assessment Committee's report. **Moved by Brooks to receive, file and refer to the City Manager for review and recommendation and refer to a future Council Workshop for discussion. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH

October 20, 2003

03-2443 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

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

WITHDRAWN 03-2444 (A) 4205 Park Avenue (Building 4) (vacant) Titleholder: Park Woods Limited Partnership.

03-2445 (B) 708 Sandahl (garage structure) Titleholder: Mary Williams. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-2446 (C) 231 E. 16th Street (garage structure) Titleholder: LeRoy L. Luncsford and Nancy S. Luncsford; Legal Interest Holder: First Class Credit Union f/k/a First Iowa Community Credit Union. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-2447 (D) 922 24th Street (vacant) Titleholders: Heirs of George J. Alyk: George J. Alyk , Jr., Marie Ness, Nancy Baerlocher, Cary Baerlocher, Dan Alyk and Stacey Alyk; Legal Interest Holders: U. S. Bank National Association f/k/a FirStar Bank Des Moines, NA f/k/a Valley National Bank and Christine Frank d/b/a Tax 231. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-2448 (E) 814 29th Street (garage structure) Titleholders: Michael C. Hamilton, Brian Kay and Bonnie Kay, Legal Interest Holder: John Zajicek d/b/a Z Fin 32. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-2449 2. The Engineering Department to cause the removal of 3716 SW 12th Street (vacant) Titleholder: GMAC Mortgage Corporation. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-2450 3. Request from Drake Neighborhood Association to delay demolition of 1110 22nd Street, until such time as they can evaluate the home for potential renovation. **Moved by Hensley to receive, file and refer to the City Manager for review and recommendation, and to delay the demolition for two weeks. Motion Carried 7-0.**

03-2451 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 5:55 P.M. Motion Carried 7-0.**