

DES MOINES CITY COUNCIL MEETING

February 7, 2005 4:30 P.M.

INVOCATION: Pastor Tony Thurston
College Avenue Christian Church

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 application for the following:

NEW APPLICATIONS

(A)	CENTRAL GRILL Beer/Wine	2734 DOUGLAS AVE	C
(B)	FLEUR WINE & ALE Liquor	4521 FLEUR DR	E
(C)	LA CRUZ #3 Beer	3900 E 14TH ST	C
(D)	WALNUT TAP Liquor	2401 E WALNUT ST	C

RENEWAL APPLICATIONS

(E)	CANDY KITCHEN Beer	2024 FOREST AVE	C
(F)	CENTRAL CITY LIQUOR Liquor	1460 2ND AVE	E
(G)	COONEYS TAVERN Liquor	3708 BEAVER AVE	C

(H)	EL AQUILA REAL AUTHENTIC Liquor	3600 BEAVER AVE	C
(I)	FACES LOUNGE Liquor	416 E WALNUT ST	C
(J)	FAREWAY STORE #900 Beer	100 E EUCLID AVE	C
(K)	FAREWAY STORE #975 Beer	3000 SE 22ND ST	C
(L)	FORTY THREE RESTAURANT Liquor	1000 WALNUT ST	C
(M)	HOPPERS Liquor	2515 WEDGEWOOD RD	C
(N)	INGERSOLL LIQUOR & BEVERAGE Liquor	3500 INGERSOLL AVE	E
(O)	K-BOOM Liquor	319 COURT AVE	C
(P)	KUM & GO #440 Beer	821 E EUCLID AVE	C
(Q)	MANNINGS Liquor	2102 INDIANOLA AVE	C
(R)	NAT FOOD MART Beer	1443 2ND AVENUE	C
(S)	SHANGRI LA BUFFET Beer	4349 MERLE HAY ROAD	B

OUTDOOR SERVICE APPLICATIONS

(T)	TIM FLANAGANS RESTAURANT Liquor	2120 INGERSOLL AVE	C
(1)	Temporary outdoor service for St. Patrick's Day celebration on March 17 and 18, 2005. Pending approval of Fire Department.		

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) Denman Fountain Restoration – Receiving of Bids, (03-01-05), and Setting Date of Hearing, (03-07-05). (Construction Estimate - \$24,000).

- (B) 2004 Expanded Street Resurfacing Program - Arterial – Receiving of Bids, (03-01-05), and Setting Date of Hearing, (03-07-05). (Construction Estimate - \$1,425,115).
 - (C) 2004 Expanded Street Resurfacing Program – Residential – Receiving of Bids, (03-01-05), and Setting Date of Hearing, (03-07-05). (Construction Estimate - \$1,027,750).
 - (D) Woodlawn Park Improvements – Receiving of Bids, (03-01-05), and Setting Date of Hearing, (03-07-05). (Construction Estimate - \$75,500).
 - (E) Agrimergent Technology Park-Clearing & Grubbing Contract 1 – Receiving of Bids, (03-01-05), and Setting Date of Hearing, (03-07-05). (Construction Estimate - \$400,425).
8. Approving Change Order No. 2 with Walter, Inc. for additional work on Fire Station No. 3 Renovation Project, not to exceed \$41,263.

[\(Council Communication No. 05-046\)](#)

9. Approving Iowa Department of Transportation Change Order to Keo Way (Birds Run) Phase 1 Storm Sewer Outlet, and Qwest Communications License Agreement for Conflict Avoidance Structure.

[\(Council Communication No. 05-063\)](#)

10. Approving completion and recommending acceptance of the following Private Construction Contracts:
- (A) Sanitary Sewer Improvements for Loco Joe’s at 6550 Bloomfield Road between Mihalovich Plumbing & Heating Co., and The Pro-Line Co., Inc.
 - (B) Sanitary Sewer Improvements for Top Value Foods Market, 801 University Avenue between Rhiner’s Plumbing Co., Inc. and Snag, LLC.
11. Approving completion and recommending acceptance of the following Private Construction Contracts with Brook Run L.C. for Brook Run Village Plat 8, located at E. Douglas Avenue and proposed Village Run Drive:
- (A) Storm Sewer Improvements – McAninch Corporation.
 - (B) Sanitary Sewer Improvements – McAninch Corporation.
 - (C) Street Improvements – Sternquist Construction, Inc.

12. Approving permission to sublet from Rasch Construction, Inc. for Southeast Ridge Trunk Sanitary Sewer-Phase 1.
13. Accepting completed construction and approving final payment for the following:
 - (A) Highland Park Streetscape Arch and Historic Marker, Bergstrom Construction, Inc.
 - (B) SW 9th Street & Virginia Avenue Traffic Signals, Price Industrial Electric, Inc.
 - (C) Bill Riley Trail Drainage Improvements, Van Hauen & Associates, Inc.
 - (D) Blank Park Zoo Entrance Modifications, Castle Concrete Services Inc.
 - (E) 44th Street and Forest Avenue Sewer Separation, Van Hauen & Associates, Inc.
 - (F) Thomas Beck Storm Sewer Repair, west of SW 9th Street, Van Hauen & Associates.
 - (G) US 69 and County Line Road Left Turn Lanes and Traffic Signals, Iowa Signal & Electric Co.
 - (H) 2004 Sanitary Sewer Televising Program Contract 2, Hydro-Klean, Inc.
14. Authorization to proceed and acquire right-of-way for City-Wide Storm Sewer Lining Project for four locations:
 - (A) SW 23rd Street, west of Fleur Drive.
 - (B) Martin Luther King, Jr. Parkway at 17th Street.
 - (C) Martin Luther King, Jr. Parkway at Bennett Avenue.
 - (D) West of E. 30th Street, south of Easton Boulevard.

[\(Council Communication No. 05-048\)](#)

15. Authorization to proceed on 2005-2006 Paving Program, which is included in 2004-2005 Capital Improvements Program.

[\(Council Communication No. 05-047\)](#)

16. Authorizing the City Engineer to take action to secure the completion of the Union Park Water Playground Project.

17. Approving Addendum No. 4 to Urban Design Standards for Public Improvements, 2001 Edition, and Addendum No. 6 to Urban Standard Specifications for Public Improvements, 1998 Edition.

[\(Council Communication No. 05-045\)](#)

18. Approving the following items regarding McKinley Avenue from Fleur Drive to 920 feet east:
 - (A) Recommendation from City Manager regarding proposed construction.
 - (B) Preliminary resolution for construction of Sidewalk Improvements.
 - (C) Resolution fixing values of lots.
 - (D) Preliminary Plat and Schedule, Estimate of Cost and Proposed Plans and Specifications for construction of Sidewalk Improvements.
 - (E) Resolution of Necessity, Notice to Property Owners and Setting Date of Hearing, (02-28-05).

SPECIAL ASSESSMENTS

19. Approving levying assessments for cost of Nuisance Abatement – NAC Emergency Orders (Community Development) for the following:
 - (A) Schedule No. 2005-75.
 - (B) Schedule No. 2005-25.
 - (C) Schedule No. 2005-01.
20. Approving deletion of NAC-Emergency Assessment at 1175 9th Street.
21. Approving refund of unused special assessment default fund; Refund Schedule No. 2004-03.
22. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for February 2005.

LAND/PROPERTY TRANSACTIONS

23. Real estate documents for property in vicinity of SW 34th Street and relocated Army Post Road for the future Airport Runway 13R/31L Runway Protection Zone Project, \$573,300 plus costs.
24. Real estate documents for property at 1315 Locust Street for the Western Gateway Project, \$325,000 plus closing costs.
25. Real estate documents for property at 5200 Park Avenue for the Park Avenue widening Project, \$1,750 plus closing costs.
26. Real estate documents for property in vicinity of Beardsley Street and County Road R-63 for the Clover Hill Sanitary Trunk Sewer Project, \$4,260 plus closing costs.
27. Acquisition of necessary right-of-way and easements for the Leetown Creekway Wooden Box Replacement Project-Phase 3, \$150,000 estimated.

BOARDS/COMMISSIONS/NEIGHBORHOODS

28. Recommendation of Mayor Frank Cownie to appoint Jule A. Thorsen to the Library Board of Trustees (seat 1) to fill unexpired term of Barb Ettleson commencing July 1, 2001 to expire July 1, 2007.
29. Recommendation of the Neighborhood Development Corporation to appoint Catherine Dietz-Kilen to the Neighborhood Revitalization Board (seat 14) for a three-year term commencing June 30, 2004 to expire June 30, 2007.
30. Recommendation of Council Member Tom Vlassis to reappoint Susan Oltrogge to the Licensing and Appeals Board (seat 4) for a three-year term commencing April 1, 2004 to expire April 1, 2007.

COMMUNICATIONS FROM PLANNING AND ZONING

31. Regarding on request from Leachman Lumber Company for vacation and conveyance of Lyon Street from Hubbell Avenue to its current east terminus, subject to conditions.

SETTING DATE OF HEARINGS

32. On vacation of an 8' wide southernmost east/west alley right-of-way running 68.5' east of vacated 11th Street between Cherry and Vine, (2-28-05).
33. On sale of City property located at 5818 and 5820 Winona Avenue, to RM. Madden Construction -- \$21,400 and to Steve and Judy Rodish -- \$400, (2-28-05).
34. On issuance of not to exceed \$32,000,000 General Obligation Refunding Bonds, (for an essential corporation purpose), to refund and refinance GO Bonds Series 1996F and 1998D, (2-28-05).

[\(Council Communication No. 05-056\)](#)

35. On Supplement No. B2 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC, not to exceed \$475,000, for acquiring a runway paint striper and a street sweeper for the Airport, (2-28-05).

[\(Council Communication No. 05-055\)](#)

36. On amendment to the Annual Budget for current fiscal year ending June 30, 2005, (2-28-05).
 - (A) On proposed Annual Budget for fiscal year ending June 30, 2006, (2-28-05).
37. On the 2005-1 Omnibus Amendment to the City's Urban Revitalization Plan, extending the duration for two years, (2-28-05).

38. On amendment to the approved PUD Conceptual Plan for the Science Center of Iowa building and garage, north of Martin Luther King Jr. Parkway, between SW 3rd and SW 5th Streets, to allow for additional signage, (2-28-05).

[\(Council Communication No. 05-053\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

39. Approving payment of \$7,265.65 to Myers & Jenkins Law Firm in conjunction with UAL Corporation Bankruptcy and ATA Holdings Corp. Bankruptcy.
40. Approving payment of \$4,137.50 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for consultation services in conjunction with collective bargaining and related matters.
41. Approving payment of \$2,646 to Sullivan & Ward, P.C. in conjunction with National Pollution Discharge Elimination System Permit (NPDES).
42. Approving representation of Des Moines Police Officer Garth House by Hansen, McClintock & Riley.
43. Approving payment of \$6,625 to John Mahler for property damage and authorizing an additional \$300 for transportation expenses as the result of an auto accident.

CITY MANAGER COMMUNICATIONS

44. Submitting out-of-state travel for Sandy Roozeboom, Sone Cam, Robert Kraft, Thomas Turner, and David Keenan.

[\(Council Communication No. 05-044\)](#)

APPROVING

45. CSBG Contract No. 05-07-CJ by and between the Iowa Department of Human Rights/Division of Community Action Agencies and the City for community services to low-income persons from October 1, 2004 to September 30, 2005.
46. Form of Agreement between the City of Des Moines, West Des Moines State Bank, and the Federal Home Loan Bank of Des Moines to implement the Affordable Housing Program Grant for Emergency Home Repairs for low-income owner-occupants, \$250,000.

[\(Council Communication No. 05-058\)](#)

47. Agreements for assignment of the following tax sale certificates:

(A) 1964 Arlington Avenue, to Kinter Properties, Inc.

(B) 1002-40th Street, to S & G Real Estate Investments, Inc.

[\(Council Communication No. 05-064\)](#)

- 48. Sole compliant bid from Vital Support Systems for Altiris Client/Server Management Software plus installation and startup services, \$147,675.
- 49. Bid specifications for junk vehicle towing by Community Development Department.

[\(Council Communication No. 05-049\)](#)

- 50. Receipt of the Legislative Update for the 81st Iowa General Assembly.
- 51. Civil Service Entrance List for Real Estate Relocation Coordinator and Promotional List for Fire Engineer and Senior Housing Case Manager.
- 52. Finance Director to draw checks for check registers of February 10, February 17, and February 24, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of February 7, February 14, and February 21, 2005; and to draw checks for biweekly payroll due on February 18, 2005.

ORDINANCES - SECOND CONSIDERATION

- 53. Amending Chapter 70 of the Municipal Code, regarding sale of products containing pseudoephedrine in combination with other active ingredients.

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

ORDINANCES - FIRST CONSIDERATION

- 54. Amending Chapter 18 of the Municipal Code regarding the total number of cats and dogs allowed per property.
- 55. Amending Chapter 26 of the Municipal Code regarding maintenance, repair, equipment, use and occupancy of all residential rental buildings and structures,

by providing an exception for single-family dwellings and duplexes occupied by the owner or members of that owner's immediate family.

[\(Council Communication No. 05-050\)](#)

56. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) Parking Meter Changes in Response to East Village Development.
 - (B) Parking Restrictions to Facilitate Movement of Solid Waste Vehicles – Drake University Area.
 - (C) Removal of Metered Spaces and Replacement with Loading Zones in accordance with an Agreement with Massman Group L.L.C. and 10th Street Lofts, L.L.L.P.
 - (D) Corner Clearance – north Side of East Walnut Street, east of E. 18th Street.
 - (E) Corner Clearance – east and west Sides of Polk Boulevard, north and south of Harwood Drive.
 - (F) Petition for Four-Way Stop – East 40th Court and Hull Avenue.
 - (G) Implement Traffic Regulations for Martin Luther King, Jr. Parkway from Fleur Drive to I-235 and for West Martin Luther King, Jr. Parkway from SW 2nd to Fleur Drive.

COUNCIL REQUESTS

~~57. From Council Member Vlassis to discuss pedestrian controlled stop lights in Beaverdale Business area.~~

58. From Council Member Vlassis to discuss the following:

- (A) Install “NO PARKING CORNER TO HERE” signs on the north side of Clark Street, at least two car lengths west of the intersections of 24th Street and 25th Street, to facilitate turning onto Clark.

- (B) Install “NO PARKING ANY TIME” signs at curve along north side of Clark Street, west of triangle at 23rd Street along NE to SW segment of curve, and two or three car lengths to the west.
59. From Mayor Cownie and Council Member Vlassis to discuss Central Place Industrial Park:
- (A) Stop lights on University Avenue at Illinois Street.
 - (B) Additional business identification signs.

COMMUNICATIONS/REPORTS

60. From Sherman Hill Association requesting rezoning along the Cottage Grove/Crocker Corridor.

HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 61 THRU 69)

61. On appeal from Ryan Buman, 2011 SW 1st Street, regarding recommended denial of a Taxicab License.
62. On sale of City property in the vicinity of Indianola Avenue at Granger Avenue, South Union and E. Dunham, to Communication Technologies, Inc. \$82,000, **(continued from January 24, 2005 meeting and to further continue to March 28, 2005 at 5:30 P.M.)**.
63. On vacation and conveyance of E. 7th Street right-of-way and part of Maple Street right-of-way, to Community Choice Credit Union, \$4,000.
- (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
64. Items regarding property at 1500 and 1520 Euclid Avenue:
- (A) Recommendation from Plan & Zoning Commission.

- (B) Hearing on request from Mary H. Jaeger, Owner, to rezone property from “R1-60” (One Family Low Density Residential) to “C-1” (Neighborhood Retail Commercial) to allow for expansion of existing restaurant.
- (C) First consideration of ordinance above.
- (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

65. On related amendments to Zoning Ordinance and Site Plan Regulations:

[\(Council Communication No. 05-051\)](#)

- (A) Communication from City Manager regarding rezoning of Riverpoint West area generally north of Des Moines River between SW 9th Street and Fluer Drive to encourage redevelopment of area with mix of residential and commercial uses.
- (B) Resolution approving amendment to Des Moines 2020 Community Character Land Use Plan to change future land use classification for Riverpoint West area to Support Commercial classification.
- (C) Resolution closing consolidated public hearing on proposed amendments to Zoning Ordinance and Site Plan Regulations itemized below:
 - (1) First consideration of ordinance amending the Zoning Ordinance to establish new “C-3B” Central Business District Mixed Use District.
 - (2) First consideration of ordinance amending the Site Plan Regulations 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.
 - (3) First consideration of ordinance amending the Zoning Ordinance to provide consistent treatment of signage and allowed building height in “D-R” Downtown Riverfront District.
- (D) Resolution closing public hearing on proposal to rezone Riverpoint West area to “C-3B” District and to further rezone a portion in vicinity of 122 and

200 SW 16th Street to impose additional regulations under “S-O” Study Overlay District.

- (1) First consideration of ordinance rezoning Riverpoint West area to “C-3B” District.
- (2) First consideration of ordinance rezoning property in vicinity of 122 and 200 SW 16th Street to impose additional regulations under “S-O” District.

66. On Lease Agreement with the South Des Moines Girls Amateur Softball Association, for lease of Carney Softball Fields at 2501 SW 30th Street.

67. On Lease of property at 623 Grand Avenue:

(A) To Boesen the Florist, Inc.

(B) To Boesen the Florist, for a sidewalk café.

68. On Fourth Amendment to the Land Lease for Parcel Distribution Facility, with United Parcel Service, Inc, to clarify payment of sanitary sewer connection fees, and set the date the Site and Grading Plan shall be presented to the City.

[\(Council Communication No. 05-057\)](#)

69. On Greenhouses at Chesterfield: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Legacy Construction Group, (Douglas N. Stephens, President, Grimes), \$372,563.

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

END HEARINGS AT _____P.M.

APPROVING

70. Recommendation from Zoning Enforcement to **deny** Class B Beer License at Louie’s Chinese and Thai Food, 1022 E. 12th Street.

[\(Council Communication No. 05-054\)](#)

71. Urban Renewal Development Agreement with Lander-Sherman Urban Development LLC for redevelopment of property, north of Vine Street between 2nd and 3rd Streets.

[\(Council Communication No. 05-060\)](#)

72. Various economic development activities for Kemin Industries, Inc., 2100 Maury Street.

[\(Council Communication No. 05-061\)](#)

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.

1. Approving new bargaining agreement with Des Moines Association of Professional Fire Fighters, Local No. 4. SPONSOR: Vlassis.

[\(Council Communication No. 05-065\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

HEARING

1. On resolution to cause the removal of the garage structure located at 1612 E. 27th Street by administrative process and to charge for the enforcement costs incurred in bringing an administrative removal action or to determine appropriate equitable action to be taken, Titleholder: Emery A. Rector; Mortgage Holder: Wells Fargo Home Mortgage, Inc.

AUTHORIZING

2. Court action to secure authority to cause the abatement of the following public nuisance structures:
 - (A) 1515 Delaware Avenue, Titleholder: Christine Frank d/b/a Tax 206.
 - (B) 1807 10th Street, Titleholders: Edward Moss and Susan Moss; Contract Buyer: Denise Castro.
 - (C) 1821 12th Street, Titleholders: Thomas V. Nguyen and Thanh T. Phan.

(D) 1151 27th Street, Titleholder: Michael Schumacher d/b/a SSW, L.L.C.; Contract Buyers: Pat Andrews d/b/a Big Horn Properties, Brenda Zapata and Joe Zapata; Mortgage Holders: American Family Financial Services, Inc. and Commercial Federal Bank.

3. The Engineering Department to cause the demolition of the following structures:

(A) 2540 SE 14th Street, Titleholder: Fountain of Life Cathedral.

(B) 1310 E. 38th Street, Titleholders: Robert D. Olson and Shirlene Olson.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003