

# DES MOINES CITY COUNCIL MEETING

March 7, 2005 4:30 P.M.

## PROCLAMATIONS – 4:15 P.M.

Best Buddies Iowa

**INVOCATION:** Pastor Tim Diebel  
First 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 44:

## LICENSES AND PERMITS

4. Approving Alcoholic Beverage License applications for the following:

### RENEWAL APPLICATIONS

(A)	BOWLERAMA LANES Liquor	1313 E DIEHL AVE	C
(B)	FRANCIES Liquor	2100 WAKONDA VIEW	C
(C)	HAIRY MARYS Liquor	2307 UNIVERSITY AVE	C
(D)	HAWKEYE ELKS LODGE #160 Liquor	1401 WALKER ST	C
(E)	INDEPENDENT LODGE #4 Liquor	1601 6TH AVE	C
(F)	IOWA BEEF STEAK HOUSE Liquor	1201 E EUCLID AVE	C

- |     |  |   |
|-----|--|---|
| (G) | JOHNNYS ITALIAN STEAKHOUSE 6800 FLEUR DR | B |
|     | Liquor                                   |   |
| (H) | KELLYS LITTLE NIPPER 1701 E GRAND AVENUE | C |
|     | Liquor                                   |   |
| (I) | NUT POB RESTAURANT 3322 INDIANOLA AVE    | C |
|     | Beer/Wine                                |   |
| (J) | PAESANOS PIZZERIA 2804 SW 9TH ST         | C |
|     | Beer/Wine                                |   |
| (K) | WAVELAND GOLF COURSE 4908 UNIVERSITY AVE | C |
|     | Liquor                                   |   |

## **PUBLIC IMPROVEMENTS**

5. Resolution Ordering Construction of the following:
  - (A) 2004-05 Paving Program – Receiving of Bids, (03-29-05), and Setting Date of Hearing, (4-11-05). (Construction Estimate - \$990,319).
  - (B) Park Avenue Widening – SW 42<sup>nd</sup> Street to SW 56<sup>th</sup> Street – Receiving of Bids, (03-15-05), and Setting Date of Hearing, (4-11-05). (Construction Estimate - \$3,707,229).
    - (1) Approving Agreement with MidAmerican Energy Company for relocation of gas lines and valves near the intersection of George Flagg Parkway and Park Avenue, \$100,000.  
  
 ([Council Communication No. 05-117](#))
  - (C) Western Gateway Improvements – Receiving of Bids, (03-29-05), and Setting Date of Hearing, (4-11-05). (Construction Estimate - \$5,240,000).  
  
 ([Council Communication No. 05-105](#))
6. Approving items regarding Southeast Connector Project:
  - (A) Execution of Iowa Department of Transportation Agreement.  
  
 ([Council Communication No. 05-098](#))
  - (B) Execution of Professional Services Agreement with Kirkham Michael & Associates, (Dale Miller, President, Omaha, NE) for design services, not to exceed \$4,000,000.  
  
 ([Council Communication No. 05-099](#))

- (C) Execution of Professional Services Agreement with Kirkham Michael & Associates, (Dale Miller, President, Omaha, NE) for Land Use and Economic Development Study, not to exceed \$50,000.

[\(Council Communication No. 05-100\)](#)

7. Approving execution of Iowa Department of Transportation Agreement for Union Railway Bridge Renovation.

[\(Council Communication No. 05-096\)](#)

8. Receive and file bids on Principal Park Seating Expansion and Outfield Improvements.

[\(Council Communication No. 05-115\)](#)

9. Authorization to proceed with Corridor Preliminary Design and Appropriate Sections of Final Design of East Indianola Avenue Widening – SE 14<sup>th</sup> to Army Post Road.

[\(Council Communication No. 05-097\)](#)

10. Communication from Rognes Corp. requesting permission to sublet certain items on 30<sup>th</sup> Street & Forest Avenue Storm Sewer Improvements Project.

11. Approving completion and recommending acceptance for Sylvan Theater Restoration – Brocon Services LLC.

## **LAND/PROPERTY TRANSACTIONS**

12. Real estate documents for property for the East 16<sup>th</sup> Street and East Sheridan Avenue Storm Water Improvements Project, \$0 plus closing costs.

13. Establishing fair market value and authorizing acquisition of property for the following:

(A) American Discovery Trail Project – Walnut Creek Segments 1 and 2, \$30,200 plus closing costs.

(B) Leetown Creekway Box Replacement Project – Phase 3, \$92,930 plus closing costs.

14. Authorization to proceed with acquisition of the necessary right-of-way for the Airport Runway 13R/31L Project, (Estimated \$16,000,000).

[\(Council Communication No. 05-112\)](#)

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

15. Recommendation of Mayor Frank Cownie to appoint Anthony Michael Bell to seat 10 on the Access Advisory Board for a four-year term commencing June 15, 2003 to expire June 15, 2007.
16. Recommendation of Mayor Frank Cownie to appoint Jesse Taylor to seat 2 on the Aging Resources of Central Iowa Board.
17. Communication from Larry James, Jr. advising of his resignation from the Housing Appeals Board (Seat 6) effective immediately.
18. Communication from Bill Wedeking advising of his resignation from the Access Advisory Board (Seat 11) effective immediately.

#### **SETTING DATE OF HEARINGS**

19. On sale of \$29,080,000 General Obligation Refunding Bonds, Series 2005A, (3-16-05).

[\(Council Communication No. 05-116\)](#)

20. On vacation and sale of a segment of 24<sup>th</sup> Place between College Avenue and 24<sup>th</sup> Street, to Edward J. Lint, \$400, (3-28-05).

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

21. Approving payment of \$312.20 to Ahlers & Cooney, P.C. for services related to IRS audit of hospital bonds issued by the City on behalf of Iowa Lutheran Hospital.
22. Approving payment of \$3,042.47 to Ahlers & Cooney, P.C. for general matters in 2004.
23. Approving payment of \$1,552.45 to Ahlers & Cooney, P.C. for services related to Supplement No. 15 of the Master Lease Program.

24. Approving payment of \$7,179.61 to the Nyemaster Law Firm for consultation services in conjunction with collective bargaining and related matters.
25. Approving payment of \$29,172.42 to Myrle Atwood for workers' compensation benefits for an injury in the course and scope of employment.

#### **CITY MANAGER COMMUNICATIONS**

26. Submitting out-of-state travel for Lynette Collins.

[\(Council Communication No. 05-104\)](#)

#### **APPROVING**

27. Neighborhood Finance Corporation (NFC) Certificate of Consistency with City's 2005-2009 Consolidated Plan.

[\(Council Communication No. 05-106\)](#)

28. First Amendment to the Development Agreement with Raccoon Valley Investment Company, L.C./Fleur Drive Commercial Urban Renewal Area.

[\(Council Communication No. 05-110\)](#)

29. Amended Conceptual Development Plan for the SOHO Condominiums, 412-418 E. Locust Street.

[\(Council Communication No. 05-102\)](#)

30. The Verde Partners, L.L.C. application for Enterprise Zone Benefits.

[\(Council Communication No. 05-109\)](#)

31. The Walden Point, LP application for Enterprise Zone Benefits.

[\(Council Communication No. 05-101\)](#)

32. Economic Development Loan documents to BayTSP, Inc., 601 E. Locust.

[\(Council Communication No. 05-111\)](#)

33. Theater Rental Agreement with Hoyt Sherman Place for the Youth Advisory Board's annual Metro Star Event performance on March 31, 2005.

[\(Council Communication No. 05-113\)](#)

34. Items regarding Downtown Des Moines Self-Supported Municipal Improvement District:
  - (A) Budget for Fiscal Year July 1, 2005 to June 30, 2006.
  - (B) Operating Agreement to operate, manage, and undertake SSMID services, improvements and activities including implementation of the Operation Downtown project.
  - (C) Parking Garage Service Agreement to provide enhanced level of security and cleaning services for City parking garages.
35. Amendment No. 1 to the WRA Operating Contract to allow WRA Board to adopt and apply a preference in the procurement of goods and services for bidders or proposers located within any participating community.

[\(Council Communication No. 05-114\)](#)

36. Bids from the following:
  - (A) Leotek Electronics, \$56,118.40 and General Traffic Controls, \$16,891.20 for various traffic signal modules to be used by the Traffic & Transportation Signal Shop. (Six bids mailed, five received).
  - (B) Holmes Oldsmobile per State of Iowa Contract CT2768-E for two pickup trucks to be used by the Traffic & Transportation Signal Shop, \$31,638.
37. Receipt of the Legislative Update for the 81<sup>st</sup> Iowa General Assembly.
38. Resolution to Seek Federal Funding in 2005 for Des Moines Priority Projects.

[\(Council Communication No. 05-118\)](#)

39. Civil Service Entrance Lists for Legal Secretary and Horticulture Inspector.
40. Authorizing the Finance Director to draw checks on the registers of March 10, March 17 and March 25, 2005; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 7, March 14, and March 21, 2005; and to draw checks for biweekly payroll due March 18, 2005.

## ORDINANCES - FINAL CONSIDERATION

41. 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.
42. 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 10<sup>th</sup> Street Lofts, L.L.L.P.
  - (D) Corner Clearance – North Side of East Walnut Street, east of E. 18<sup>th</sup> Street.
  - (E) Corner Clearance – East and West Sides of Polk Boulevard, north and south of Harwood Drive.
  - (F) Petition for Four-Way Stop – East 40<sup>th</sup> 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 2<sup>nd</sup> to Fleur Drive.
43. On amendments to Zoning Ordinance and Site Plan Regulations **(recommendation to adopt item A, and continue items B-E to the March 28<sup>th</sup> Council meeting)**:
  - (A) To provide consistent treatment of signage and allowed building height in “D-R” Downtown Riverfront District.
  - (B) To establish new “C-3B” Central Business Mixed Use District.
  - (C) 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.
  - (D) To rezone Riverpoint West area to “C-3B” District.

- (E) To rezone property in vicinity of 122 and 200 SW 16<sup>th</sup> Street to impose additional regulations under “S-O” District.

**ORDINANCES - SECOND CONSIDERATION**

- 44. Amending Chapter 18 of the Municipal Code regarding number of dogs and cats allowed per household, and waiver process to allow a fourth dog in a household.

- (A) Final consideration of ordinance above, (waiver requested by City Clerk), requires 6 votes.

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

**ORDINANCES - FIRST CONSIDERATION**

- 45. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

- (A) Truck Route Revisions.
- (B) Removal of Parking Meters and Installation of Loading Zone-West Side of 6<sup>th</sup> Avenue, north of Crocker Street.
- (C) Installation of Handicapped Parking Meters Adjacent to Pappajohn Higher Education Center.
- (D) Installation of Handicapped Parking Meters Adjacent to the Insurance Exchange Building at 5<sup>th</sup> Avenue and Grand Avenue.
- (E) Four-Way Stop-East 13<sup>th</sup> Street and Grandview Avenue.
- (F) Allow Parking in the Evening and Weekends on the North Side of Locust Street between 9<sup>th</sup> Street and 10<sup>th</sup> Street.
- (G) Request for Stop Signs and Corner Clearance Parking Restrictions in Area Around Drake Stadium.

**HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 46 THRU 61)**

- 46. On amendment to the Annual Budget for current fiscal year ending June 30, 2005.

- (A) On proposed Annual Budget for fiscal year ending June 30, 2006.



47. On Application for Certificate of Public Convenience and Necessity to operate a Limousine Service, requested by David and Heather Grabill, Freedom Taxicab/Cabmobile.com, Ankeny.

(Council Communication No. 05-095)

48. On sale of vacated north/south alley right-of-way south of Scott Avenue and between SE 27<sup>th</sup> Court and SE 28<sup>th</sup> Street, to Charles W. and Dorothy A. Spotts, \$50, and to Michael E. Scott Sr. and Lorraine D. Scott, \$50,00.
49. On sale of City-owned property at 1703-13<sup>th</sup> Street, to Jack and Julie Brooks, \$5,660.
50. On sale of City-owned property east of 3048 Raccoon Street, to R.M. Madden, \$5,120.
51. On sale of City-owned landlocked property, south of Ingersoll Avenue, north of Grand Avenue and west of projected Martin Luther King, Jr. Parkway to Timothy J. Flanagan Corporation, **and continue the hearing to March 28<sup>th</sup> Council meeting at 5:30 P.M.**
52. On vacation and sale of portion of E 7<sup>th</sup> Street between Lyon Street and I-235 to Community Choice Credit Union, \$4,000 (to correct publishing error).
  - (A) First consideration of ordinance above.
  - (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
53. On vacation and sale of the north/south alley between 41<sup>st</sup> and 42<sup>nd</sup> Streets, from Rollins Avenue to 250' north, to The Shops at Roosevelt, LLC, \$14,000.
  - (A) First consideration of ordinance above.
54. On Supplement No. 9 to the Iowa Air National Guard Lease Agreement to extend the lease to 2060.

(Council Communication No. 05-107)

55. On Lease Agreement with the South Des Moines Girls Amateur Softball Association for lease of Carney Softball Fields at 2501 SW 30th Street (to correct publishing error).

56. On Riverpoint West Detention Basin: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Saxton, Inc., (Russell Saxton, President, Leon, IA), \$800,486.05.
- (A) Approving contract and bond and permission to sublet.
57. On Agrimergent Technology Park – Clearing & Grubbing Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Reilly Construction Co., Inc. & Affiliates, (Robert R. Reilly, President, Ossian, IA), \$327,810.
- (A) Approving contract and bond.
58. On Denman Fountain Restoration: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt, President, DSM), \$22,800.
- (A) Approving contract and bond and permission to sublet.
59. On 2004 Expanded Street Resurfacing Program – Residential: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Des Moines Asphalt & Paving Co., (Jim Gauger, President, DSM), \$956,088.
- (A) Approving contract and bond.
60. On 2004 Expanded Street Resurfacing Program – Arterial: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Des Moines Asphalt & Paving Co., (Jim Gauger, President, DSM), \$1,063,810.30.
- (A) Approving contract and bond and permission to sublet.
61. On Woodlawn Park Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as P.G. Const., Inc., (Keith Purdy, President, DSM), \$85,884.33.
- (A) Approving contract and bond and permission to sublet.

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

## **CITY MANAGER RECOMMENDATIONS**

62. Regarding preliminary terms of agreement with Heritage Affordable Housing for the Mulberry Lofts rehabilitation project at 112 – 11<sup>th</sup> Street.

[\(Council Communication No. 05-108\)](#)

## **APPROVING**

63. Intergovernmental 28E Agreement with Meredith Corporation Foundation for acceptance of a charitable gift to be used for improvements to American Discovery Trail Riverpoint Segment and Fleur Trail Connection.

[\(Council Communication No. 05-119\)](#)

64. Items regarding the East Village Square Apartments, southwest corner of E. 4<sup>th</sup> and Grand:

[\(Council Communication No. 05-103\)](#)

- (A) Receive and file communications from the Urban Design Review Board.
- (B) Addendum to Development Agreement and Conceptual Development Plans.
- (C) Home Program Loan and Documents.

65. Authorizing Legal action to obtain title to abandoned public nuisance property at 1543 – 9<sup>th</sup> Street.

[\(Council Communication No. 05-120\)](#)

## **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 Tax Abatement Application for Vine Street Lofts (Phase I) at 101 2<sup>nd</sup> Avenue. SPONSOR: Hensley.
2. Setting Date of Hearing on request from John Shors to amend the “R-6” Development Plan for the Park at Southern Hills for property at 2950 SW 30<sup>th</sup> to revise permitted development from 8 units of townhomes on private cul-de-sac to development of a single-family dwelling, (3-28-05). SPONSOR: Hensley.
3. Approving resolution clarifying approved salary adjustment. SPONSOR: Coleman.

## **BOARD OF HEALTH**

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:
  - (A) 1412 2<sup>nd</sup> Place, Titleholder: ADG Group, LLC.
  - (B) 1456 4<sup>th</sup> Street, Titleholder: Z Fin 11.
  - (C) 818 E. 25<sup>th</sup> Court, Titleholder: Jo Ann Reese; Mortgage holder: CitiFinancial, Inc.
  - (D) 651 28<sup>th</sup> Street, Titleholder: Randy L. Simonini; Mortgage holder: Polk County Bank.
2. The Engineering Department to cause the removal of the following structures:
  - (A) 2244 Des Moines Street, Titleholder: Levi Paul.
  - (B) 1101 Filmore Street, Titleholders: Edward Moss d/b/a Midwest Housing and Susan Moss d/b/a Midwest Housing.

- (C) 1126 Walker Street, Titleholder: GLH Enterprises, LLC.
- (D) 1246 E. 22<sup>nd</sup> Street, Titleholder: GLH Enterprises, LLC.

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



All-America City  
1949 1976 1981 2003