

DES MOINES CITY COUNCIL MEETING

March 22, 2004

4:30 P.M.

SPECIAL PRESENTATIONS - 4:15 P.M.

Presentation to City by Dave Caris, MidAmerican Energy for "Trees Please" Grant

INVOCATION: Father Peter Cade
Greek Orthodox Church of St. George

- 1. ROLL CALL:
- 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 53:

LICENSES AND PERMITS

- 4. Approving the following Alcoholic Beverage License Applications:

NEW APPLICATIONS

(A)	CAFE CORSO	3701 INGERSOLL AVE	C Beer/Wine
(B)	MOBIL FOOD MART	3732 EASTON BLVD	C Beer
(C)	PLAYHOUSE	1011 LOCUST ST	C Liquor
(D)	QUIKTRIP #501	2221 E EUCLID AVE	C Beer
(E)	QUIKTRIP #501	2221 E EUCLID AVE	B Wine
(F)	SCHAFFERS	601 E LOCUST ST	B Wine
(G)	SEC TAYLOR STADIUM	350 SW 1ST STREET	C Liquor

RENEWAL APPLICATIONS

(H)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(I)	CHICAGO SPEAKEASY	1520 EUCLID AVE	C Liquor

(J)	GIT N GO STORE #1	3735 HUBBELL AVE	C Beer
(K)	GIT N GO STORE #5	2700 INDIANOLA AVE	C Beer
(L)	GRANDVIEW GOLF COURSE	2401 E 29TH STREET	B Beer
(M)	HIGHLAND PARK COUNTRY CLUB	518 EUCLID AVENUE	C Liquor
(N)	IOWA CUB CLUB OF DES MOINES	1 LINE DR	C Liquor
(O)	LCS CORNER	344 E JACKSON AVE	C Liquor
(P)	LIQUOR ISLAND	901 E EUCLID AVE	E Liquor
(Q)	NUT POB RESTAURANT	3322 INDIANOLA AVE	C Beer/Wine
(R)	PAESANOS PIZZERIA	2804 SW 9TH ST	C Beer/Wine
(S)	QUIKTRIP #544	3941 SE 14TH ST	C Beer
(T)	QUIKTRIP #559	4024 FLEUR DR	C Beer
(U)	SHIE CONCESSION	3000 E GRAND AVE	B Beer
(V)	SUNRISE TAP	4155 EASTON BLVD	C Liquor
(W)	TOP VALUE FOODS	801 UNIVERSITY AVE	E Liquor
(X)	WELLMANS PUB	2920 INGERSOLL AVE	C Liquor

OUTDOOR SERVICE APPLICATION

(Y)	COURT AVENUE BREWING CO	309 COURT AVE	C Liquor
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Temporary outdoor service area in conjunction with Drake Relays celebration on April 23,2004.

5. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Approving Supplemental Agreement No. 3 with Calhoun-Burns and Associates, Inc. for construction phase services for SW 9th Street Bridge over Yeader Creek, not to exceed \$55,000.

[\(Council Communication No. 04-152\)](#)

7. Approving Professional Services Agreement with Veenstra & Kimm, Inc. for Closes Creek Storm Drainage Improvements--27th Street to 30th Street, \$145,088.

[\(Council Communication No. 04-150\)](#)

8. Communication from Jasper Construction Services, Inc. requesting permission to sublet certain items on Highland Park Streetscape project.

9. Approving completed construction and approving final payment for the following:

(A) East University Avenue Sanitary Relief Sewer, Van Hauen & Associates, Inc.

(B) Drake Municipal Observatory ADA Entry, Munro Construction Co.

SPECIAL ASSESSMENTS

10. Approving deletion of NAC-Emergency Assessments at various locations on Schedules 2003-82, 2004-04, and 2004-50, (property transferred ownership).

LAND/PROPERTY TRANSACTIONS

11. Approve and accept real estate documents for property at 805 and 809 Grandview Avenue for the Upper Union Park Sewer Separation Project-Phase II, \$150 plus closing costs.
12. Approve and accept real estate documents for property at 2705 East Railroad Avenue and 1002 SE 27th Court for the WRA Biosolids Storage Facility Project, \$21,500 plus closing costs.
13. Approve and accept Quit Claim Deed from Polk County for the proposed Airport Runway 13R-31L Project, \$0.
14. Approve and accept Drainage Facility and Waterway Agreement from Union Pacific Railroad Company for the Deans Lake Outlet Storm Sewer Project-Phase I, \$7,180 plus closing costs.
15. Approving subdivision plat entitled James E. Rasmussen Industrial Park, located west of NE 22nd Street (Delaware Avenue) and north of I-35/80.

[\(Council Communication No. 04-142\)](#)

16. Establishing fair market value (Lots 6-12, 32, 40, 42 & 43 Ferrari Heights Replat) and authorizing acquisition of property for the Southeast Ridge Trunk Sanitary Sewer Project, \$19,841 plus closing costs.

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. Communication from Marty Mauk advising of his resignation from the Zoning Board of Adjustment (Seat 1) effective May 1, 2004.
18. Communication from Richard Nelson advising of his resignation from the Historic District Commission (Seat 3) effective immediately.

STREET CLOSURES

19. Approving request from Pam Kulik, representing Downtown Community Alliance, to close Water Street (1st Street) from Market to Elm from 9 AM on May 5, 2004 through 5 PM on June 1, 2004 for “Designs On Downtown”.

SETTING DATE OF HEARINGS

20. On request from RM Madden Construction, Inc., to rezone property at 26 E. Hartford Avenue from Ltd “C-1” (Neighborhood Retail Commercial) to “R-3” (Multiple-Family Residential), to allow residential mortgage financing of single-family and two-family dwelling development, (4-5-04).
21. On request from Mercy Medical Center, to rezone property at 1111-6th Avenue, from “C-2” (General Retail and Highway Oriented Commercial) “C-0” (Commercial-Residential) and “R-4” (Multiple-Family Residential), to PUD, and approve the proposed PUD Conceptual Plan for the Mercy Medical Center campus showing a three-story, 204,707 square foot East Tower addition to the main hospital and 75 new surface parking stalls, subject to conditions, (4-5-04).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

22. Approving payment of \$137.50 to Ahlers & Cooney, P.C. for consultation and legal services regarding the Irwin Chemical Building at 401 S.E. 6th Street.
23. Approving payment of \$37.50 to Ahlers & Cooney, P.C. for environmental law counsel in conjunction with the acquisition services regarding environmentally contaminated properties for the Martin Luther King, Jr. Parkway Project (DICO).
24. Approving payment of \$430.95 to Jane McAllister of Ahlers & Cooney, P.C. for advice and assistance in addressing environmental concerns in conjunction with development of the Kiwanis Nature Island at Riverview Park.
25. Approving payment of \$1,200 to Charles W. Goering, Inc. and \$5,302.75 to Contractor Rental Company for claim.

26. Approving payment of \$229.50 to Sullivan & Ward, P.C. for assistance in matters pertaining to the National Pollution Discharge Elimination System Permit.
27. Approving payment of \$14,904.60 to Gerald Beener for workers' compensation claim.
28. Approving payment of \$7,855.80 to Stanford Lamay for workers' compensation claim.

CITY MANAGER COMMUNICATIONS

29. Submitting the revised City of Des Moines Employee Work Place Policy Handbook formerly the Equal Opportunity Program/Affirmative Action Plan.

[\(Council Communication No. 04-143\)](#)

30. Submitting various traffic regulation changes as follows:
 - (A) Parking Restriction Modifications due to the reconstruction of Park Street.
 - (B) Designation of Aurora Avenue as a Three-Lane Roadway from Beaver Avenue to Merle Hay Road.
 - (C) Parking Restriction Modification – 41st Street between University Avenue and Forest Avenue.
 - (D) Removal of Rush-Hour Restriction-6th Avenue between Locust Street and Walnut Street.
 - (E) Extension of Parking Restriction-South Side of East Fleming Avenue, East of East 14th Street.

[\(Council Communication No. 04-151\)](#)

31. Submitting out-of-state travel for Bruce Bergman, Jeff Franklin, Richard Singleton, John Leporte, Jack Kamerick, David Knutzen and Terrance Vorbrich.

[\(Council Communication No. 04-135\)](#)

APPROVING

32. Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) carryover and program income funding for the 2004 HUD Consolidated Plan, \$5,106,755.

[\(Council Communication No. 04-136\)](#)

33. Execution of Release of Second Real Estate Mortgage for condominium space in 100 Court Avenue UDAG Project.

34. Execution of a Design Agreement with the Department of the Army for design of the Principal Riverwalk and related agreement with Principal Life Insurance Company.

[\(Council Communication No. 04-153\)](#)

35. Items regarding the Federal Home Loan Bank of Des Moines (FHLB):

- (A) First Amendment to Contract for Sale of Land or Private Redevelopment.

[\(Council Communication No. 04-148\)](#)

- (B) Setting date of hearing for approval of a Parking License Agreement.

[\(Council Communication No. 04-149\)](#)

36. Governor's Traffic Safety Bureau – OWI Enforcement Grant Award to provide overtime and equipment for officers to focus on OWI drivers in Des Moines from April 1 – September 30, 2004, (\$50,000).

[\(Council Communication No. 04-137\)](#)

37. Application for US Department of Homeland Security Assistance to Firefighters Grant.

[\(Council Communication No. 04-139\)](#)

38. Professional Services Agreement with Larson Architecture, LLC (Rick Larson, President, DSM), in conjunction with Greenhouses at Chesterfield-\$27,900, (continued from 3-8-02).

[\(Council Communication No. 04-141\)](#)

39. Naming of a pocket park located on 13th Street between Washington and College Streets in honor of Edna Griffin.

[\(Council Communication No. 04-140\)](#)

40. Issuance of \$1,000,000 Aviation System Revenue Capital Loan Note, Taxable Subordinate Series 2000A, to modify the redemption provisions.

[\(Council Communication No. 04-145\)](#)

41. Use of various City Facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for the Special City Elections to be held Tuesday, April 13 and May 11, 2004.

42. Communication from Downtown Community Alliance, on behalf of the Meredith Corporation, to approve banner design for seven banners to be displayed in downtown on Locust Street during April.

43. Intergovernmental 28E Agreement with Metro Waste Authority for operation of a program for the collection and processing of Yard Waste Materials.

[\(Council Communication No. 04-154\)](#)

44. Municipal Housing Agency's Certificate of Consistency with the City's 2000-2004 Consolidated Plan.

[\(Council Communication No. 04-138\)](#)

45. Receipt of the Legislative Update of the 80th Iowa General Assembly.

46. Bids from the following:

(A) Combined Systems Technology for APC Uninterruptible Power Supplies to be used by the Information Technology Department, \$33,338.80. (Eleven bids mailed, ten received).

(B) Dewey Ford for one 9900 GVWR truck and two 15,000 GVWR trucks to be used by the Public Works Department Sewer Operations Division, \$143,055.65. (Eleven bids mailed, four received).

(C) Motorola for radio equipment under State of Iowa Contract CT1199MV to be used by the Police Department, \$63,756.

(D) Bierman Electric for an annual contract with two additional one-year renewal options to furnish electrical contractor services. (Nine bids mailed, three received).

47. Civil Service Entrance Lists for Firefighter, Fleet Services Service Person, Police Information Typist, and Park and Aviation Maintenance Technician.

48. Authorizing Finance Director to issue checks on the registers of March 25 and April 1, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of March 22 and March 29, 2004; and to draw checks for biweekly payroll due employees on April 2, 2004.

ORDINANCES - SECOND CONSIDERATION

49. Amending Chapter 102 of the Municipal Code regarding Street Use Events and Parades.

50. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes, (see roll call for list).

51. Amending Chapter 74 of the Municipal Code regarding Blank Park Zoo fee.

(A) Final consideration of ordinance above, (waiver requested by Blank Park Zoo Foundation), requires 6 votes.

52. Repealing and replacing Ordinance 14,294, to rezone the Riverfront area, to correct an error in the original legal description.

53. Amending Chapter 2 of the Municipal Code regarding City's residency requirement.

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

ORDINANCES - FIRST CONSIDERATION

54. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) One-Sided Parking Restriction – Lakewood Cove Plats I and II.
 - (B) Commercial Loading Zone – South Side of Grand Avenue-west of 13th Street.

COMMUNICATIONS/REPORTS

55. From Beth A. Wilson to speak regarding culture in Des Moines.
56. Request from South Side Revitalization Partnership, regarding placement of a “Des Moines Welcomes You” brick structure and landscaping at SE 14th and Indianola Road.

HEARINGS (Opened at _____ P.M.) (Items 57 thru 64)

57. On items regarding the zoning of the Downtown Riverfront area:
- (A) Closing hearing on proposed amendment to the Zoning Ordinance and Site Plan Regulations regarding the regulation of development in the “D-R” (Downtown Riverfront District), when a site plan is required and the requirement for site plan approval.

[\(Council Communication No. 04-147\)](#)

 - (1) First consideration of ordinance above.
 - (2) Final Consideration of ordinance above, (waiver requested by Community Development Department), requires 6 votes.
 - (B) Resolution approving amendment to the Des Moines 2020 Community Character Land Use Plan for land in an area south of I-235 and west of E. 4th Street to change the future land use designation from Traditional Industrial to Support Commercial.

- (1) Closing the hearing on the rezoning the area above from “M-1” (Light Industrial) to “D-R”.
 - (2) First consideration of ordinance above.
- (C) Resolution approving amendment to the Des Moines 2020 Community Character Land Use Plan for land in an area south of Raccoon Street and west of SE 3rd Street, to change the future land use designation from Traditional Industrial to Support Commercial.
 - (1) Closing the Hearing on the rezoning of the area above from “M-1” (Light Industrial) to “D-R”.
 - (2) First consideration of ordinance above.
58. On conveyance of property near vacated Market Street from Riverside Drive west to vacated SW 6th Street, to MidAmerican Energy Company, for underground electric line easements near the Science Center of Iowa.
59. On request from the Metro Market, L.L.C., to rezone property at 2001 High Street from Limited “C-2” (General Retail and Highway Oriented Commercial) to revised Limited “C-2”, to amend the existing conditions to allow concurrent use of both retail and auction house while reducing square footage of auction house, number of fixed seats and number of required parking spaces.
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
60. Approving amendment to the Des Moines 2020 Land Use Plan changing approximately 14 acres of property in the vicinity of 3400 E. Payton Avenue from General Development Zone Low Density Residential to Low/Medium Density Residential, and denying proposed amendment of an additional 6.5 acres from Private Park/Open Space to General Development Zone Low Density and Low/Medium Density Residential.
 - (A) On application of Bill Spencer, Regency Homes to rezone property at 3400 E. Payton Avenue from “R1-80” (One Family Residential) to “PUD” (Planned Unit Development) and to approve

a conceptual plan for such property providing for approximately 77 single family dwellings and 48 single family semi-detached dwellings.

- (B) First consideration of ordinance above.
 - (C) Final consideration of ordinance above (waiver requested by the applicant), requires 6 votes.
61. On 2003 HUD Consolidated Annual Performance and Evaluation Report (CAPER).
62. On Building Official's determination that the structure at 692 17th Street constitutes a public nuisance.

[\(Council Communication No. 04-155\)](#)

63. On Brook Run Park and Riley Park Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Concrete Technologies, Inc, (Brad Baumler, Pres., Urbandale), \$218,440.50.
- (A) Approving contract and bond and permission to sublet.
64. On 8th and Mulberry Parking Garage Demolition: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Metro Wrecking, Inc., (Kurt Pagliai, Owner, DSM), \$343,850.
- (A) Approving contract and bond and permission to sublet.

END HEARINGS AT _____ P.M

APPROVING

65. City of Des Moines' Landscape Standards as part of City's Site Plan Policies.

[\(Council Communication No. 04-146\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

1. Court authority to abate the public nuisance at the following locations:
 - (A) 3918 Center (garage), Titleholders: John D. Wanchanic.
 - (B) 1621 Jefferson (vacant), Titleholder: Mary Alice Johnson; Mortgage Holder: Conesco Financial Servicing Corporation f/k/a Green Tree Financial Servicing Corporation.
 - (C) 3612 Martin Luther King Jr. Parkway (vacant), Titleholder: Alverda L. Karaidos; Legal Interest Holder: Oak Park Investments Partnership VII.
2. Release of demolition cost reserve held by State Farm Insurance Companies under claim number 15-E070-237 regarding property known as 3305 Forest Avenue insured by Laura Capaldo.
3. Release of demolition cost reserve held by Allied Insurance under claim number 74A01541 regarding property known as 1016 Trisha Avenue insured by Janelle A. Ferris.

MOTION TO ADJOURN AT _____ P.M.