

DES MOINES CITY COUNCIL MEETING

May 23, 2005

Closed Session – 3:30 P.M.

Municipal Governing Housing Board – 4:00 P.M.

Regular Meeting - 4:30 P.M.

Closed Session

I. ROLL CALL – 3:30 P.M.

- a. Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C of the Iowa Code, to discuss as necessary strategy with counsel in matter that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City.
- b. Closed Session to discuss matters of pending litigation.
- c. Terminate this closed session and reconvene in open session.
- d. Motion to recess and reconvene at 4:30 P.M.

SPECIAL PRESENTATIONS – 4: 15 P.M.

HUD “Cream of the Crop” award to the City and Anawim
Excellence in Preservation Awards

INVOCATION: Rev. Amy Miracle
Westminister Presbyterian 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 59:

LICENSES AND PERMITS

4. Approving the following alcoholic beverage license applications:

NEW APPLICATIONS

(A)	CONTINENTAL Liquor	428 E LOCUST ST	C
(B)	OVATIONS FOOD SERVICES Liquor	233 CENTER ST	C
(C)	ROCKS Liquor	204 3RD ST	C

RENEWAL APPLICATIONS

(D)	CARLS PLACE Liquor	1620 WOODLAND AVE	C
(E)	CIVIC CENTER OF GREATER DSM Liquor	221 WALNUT STREET	C
(F)	COURT AVENUE BREWING CO Liquor	309 COURT AVE	C
(G)	ESTRADAS RESTAURANT Beer/Wine	3029 MERLE HAY ROAD	C
(H)	GIT N GO STORE #11 Beer	3940 E 29TH ST	C
(I)	HICKMAN PUB Liquor	2335 HICKMAN RD	C
(J)	HOYT SHERMAN PLACE Liquor	1501 WOODLAND AVE	C
(K)	JALAPENO PETE'S CANTINA Beer/Wine	3000 E GRAND AVE	C
(L)	KING YING LOW RESTAURANT Beer/Wine	223 4TH STREET	C
(M)	OKOBOJI GRILL OF SOUTH DSM Liquor	200 ARMY POST RD	C
(N)	PLAZA PUB Liquor	6202 DOUGLAS AVE	C
(O)	QUIKTRIP #516 Beer	1000 E UNIVERSITY AVE	C
(P)	ROYAL FLUSH RESTAURANT Liquor	4440 HUBBELL AVE	C
(Q)	SAVERY HOTEL AND SPA Wine	401 LOCUST ST	B
(R)	SPAGHETTI WORKS Liquor	308 COURT AVE	C

- | | | | |
|-----|-----------------------------------|---------------------|---|
| (S) | SUITES OF 800 LOCUST
Liquor | 800 LOCUST ST | B |
| (T) | UNIVERSITY LIBRARY CAFE
Liquor | 3506 UNIVERSITY AVE | C |

OUTDOOR SERVICE APPLICATION

- | | | | |
|-----|-------------------------|--------------|---|
| (U) | BUDDYS CORRAL
Liquor | 418 E 5TH ST | C |
|-----|-------------------------|--------------|---|
- In conjunction with Blooms and Blues on June 3, 2005. Pending approval of Building and Fire departments.

SPECIAL EVENTS APPLICATION

- | | | | |
|-----|-------------------------------|-----------------|------|
| (V) | DES MOINES JAYCEES
(5) Day | 599 E LOCUST ST | Five |
|-----|-------------------------------|-----------------|------|
- Class B Beer License in conjunction with East Village Street Market on June 10, 2005. Pending approval of Building, Electrical, Fire, Zoning and Vice Departments.

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) 2005 Expanded Street Resurfacing Program – Arterial – Receiving of Bids, (6-7-05), and Setting Date of Hearing, (6-20-05). (Construction Estimate - \$1,409,540).
 - (B) 2005 Expanded Street Resurfacing Program – Residential – Receiving of Bids, (6-7-05), and Setting Date of Hearing, (6-20-05). (Construction Estimate - \$989,925).
 - (C) 2005 City-Wide PCC Pavement Restoration Program – Receiving of Bids, (6-7-05), and Setting Date of Hearing, (6-20-05). (Construction Estimate - \$158,880).
 - (D) 2005 Sidewalk Replacement Program – Designated Neighborhoods – Receiving of Bids, (6-7-05), and Setting Date of Hearing, (6-20-05). (Construction Estimate - \$174,750).

8. Authorizing execution of Iowa Department of Transportation Agreement for Congestion Mitigation and Air Quality Improvement Program (CMAQ) Project Downtown Wayfinding Sign System.

[\(Council Communication No. 05-275\)](#)

9. Authorizing execution of Iowa Department of Transportation Preconstruction Agreement for 56th Street – 50th Street (south side) Noise Wall related to I-235.

[\(Council Communication No. 05-274\)](#)

10. Authorization to negotiate two-year Parking System Management Contract extension with AMPCO System Parking.

[\(Council Communication No. 05-276\)](#)

11. Approving completion and recommending acceptance of the following Private Construction Contract between Hansen Company, Inc. and Water Street Brownstones, LLC for Vine Street Lofts/Water Street Brownstones Project.

12. Approving completion and recommending acceptance for 2005 Traffic Signal Improvements – Iowa Signal, Inc.

SPECIAL ASSESSMENTS

13. Approving levying assessments for costs of Nuisance Abatement - NAC Emergency Orders (Community Development) Schedule No. 2005-05.
14. Approving deletion of NAC-Emergency Assessments at 1515 Delaware Avenue.
15. Approving delinquent sewer rental and/or solid waste/stormwater utility credit for May 2005.
16. Approving delinquent sewer rental and/or solid waste/stormwater utility fees for May 2005.

LAND/PROPERTY TRANSACTIONS

17. Authorization to acquire right-of-way for the Valdez Drive turnaround, 3000 block.

18. Authorize payment of condemnation award for partial acquisition of property at 2625 McKinley Avenue for the McKinley Avenue Reconstruction Project, \$10,450 plus Sheriff's fee and jury expenses.
19. Approving final subdivision plat entitled RIVERPOINT PLAT No. 4, located east of SW 7th Street and south of Murphy Street.

[\(Council Communication No. 05-285\)](#)

20. Approving final subdivision plat entitled STERLING TRACE PLAT 1, located west of SE 36th Street and north of East Payton Avenue.

[\(Council Communication No. 05-284\)](#)

21. Approving amendment to the Building Restrictions and Protective Covenants for Southern Woods Plat No. 1, located in vicinity of SW 40th Street and Wolcott Avenue changing requirement for wood shingles to asphalt shingles.

BOARDS/COMMISSIONS/NEIGHBORHOODS

22. Recommendation of Mayor Frank Cownie to appoint Roger Brooks, Brenda LaBlanc, and Malabika Shaw to the Community Investment Committee for Banking Services RFP to expire September 1, 2005.
23. Appointing Local Representative to the Committee formed to consider the City's Petition for Involuntary Annexation.
24. Amending the 2005 appointments to the E911 Service Board.

COMMUNICATIONS FROM PLANNING AND ZONING

25. Regarding request from Kevin Sakalinh for vacation and conveyance of a portion of E University right-of-way at 749 E. University lying south between E. 8th Street and the north/south alley lying east of Pennsylvania Avenue, subject to conditions.

SETTING DATE OF HEARINGS

26. On Release of Easement for storm sewer right-of-way at 2015 Ingersoll Avenue, (6-6-05).

27. On vacation and conveyance of east/west alley between Olinda Avenue and Davis Avenue from SW 1st to Highland Street to abutting property owners, (6-6-05).

[\(Council Communication No. 05-277\)](#)

28. On vacation and conveyance of excess E. 25th Street right-of-way lying west of and adjoining 2501 University Avenue to Dennis A. Murray, \$1,100, (6-6-05).

[\(Council Communication No. 05-301\)](#)

29. On vacation and conveyance of Lyon Street from Hubbell Avenue to its current terminus to Leachman Lumber, \$1,000, (6-6-05).

[\(Council Communication No. 05-300\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

30. Approving payment of \$297.50 to Nyemaster, Goode, West, Hansell & O'Brien, P.C. for airport title opinion work.
31. Approving payment of \$48,174 to former employee, Austin Herrick for workers compensation claim for a permanent injury.

CITY MANAGER COMMUNICATIONS

32. Submitting traffic regulation changes as follows:
- (A) Corner Clearance-North Side of Easton Boulevard, West of Searle Street.
 - (B) Loading Zone – East Side of 11th Street, North of College Avenue.
 - (C) Code Update – Parking Meter Districts.
 - (D) Reinstallation of Parking Meters Adjacent to the New Science Center of Iowa.
 - (E) Parking Restriction Revisions in the Area of 13th Street and Walnut Street.
 - (F) Parking Restriction Revisions in the Area of 12th Street and Cherry Street.
 - (G) Parking Restriction Revision Due to Closure of Clark Street and 28th Street.

- (H) Parking Restriction Revision – Adjacent to the Federal Building.
- (I) Parking Restrictions to Facilitate Movement of Solid Waste Vehicles – East Side of Glenarm Court, North of Welbeck Road to the Dead End North.
- (J) Revision of Parking Restriction to Appropriate Section of the Municipal Code.
- (K) Corner Clearance – South Side of Chicago Avenue, West of East 29th Street.
- (L) Parking Restriction Extension – South Side of Ascension Street, East of 12th Street.

[\(Council Communication No. 05-272\)](#)

- 33. Submitting out-of-state travel requests for Kervin Veasley, Matthew Porter, Vern Ostrander, Michael West, and Patrick Kozitza.

[\(Council Communication No. 05-265\)](#)

- 34. Status report on Principal Riverwalk and related items.

[\(Council Communication No. 05-306\)](#)

APPROVING

- 35. Conceptual Development Plans for the following:

- (A) Mulberry Lofts, 112 – 11th Street.

[\(Council Communication No. 05-296\)](#)

- (1) Communication from Urban Design Review Board recommending approval.

- (B) Court Avenue Apartments, 308 Court Ave., Spaghetti Works Building.

[\(Council Communication No. 05-297\)](#)

- (1) Communication from Urban Design Review Board recommending approval.

- 36. Intergovernmental 28E Agreement and Professional Services Agreement with The Corporation for Economic Development in Des Moines to administer Loan Injection, Revolving Loan Fund, and MicroLoan programs.

[\(Council Communication No. 05-307\)](#)

37. Continuum of Care Program application made to HUD for Supportive Housing Program (SHP) and Shelter Plus (S+C) supplemental funding for local homeless programs to address service gaps.

[\(Council Communication No. 05-269\)](#)

38. Certification of Consistency with the current Consolidated Plan for the following:

- (A) HOME, Inc.

[\(Council Communication No. 05-281\)](#)

- (B) Citizens for Community Improvement (CCI).

[\(Council Communication No. 05-266\)](#)

- (C) Des Moines Municipal Housing Agency.

[\(Council Communication No. 05-282\)](#)

39. Grant Agreements with HUD for grant awards to CDBG, HOME and ESG funding for implementation of the 2005 HUD Consolidated Plan for period of January 1, 2005 to December 31, 2005.

40. PY2006 Notices of Funding Availability (NOFA) for the second year action plan (2006) of the 2005-2009 U.S. Housing and Urban Development (HUD) Consolidated Plan.

[\(Council Communication No. 05-280\)](#)

41. Fiscal Year 2005-06 Annual Management Fee and Right-of-Way Management Program budget.

[\(Council Communication No. 05-270\)](#)

42. Amendment to Skywalk Agreement with Iowa Network Properties, Inc. (312 – 8th Street) to permit east-west Skywalk Corridor to be constructed within building.

43. Issuance of General Obligation bonds for the following:

(A) \$27,775,000 General Obligation Bonds, Series 2005B.

(B) \$10,000,000 General Obligation Urban Renewal Bonds, Series 2005C.

(C) \$4,985,000 General Obligation Bonds, Taxable Series 2005D.

44. One year contract with two 12 month renewal terms with Cornerstone Energy for natural gas supply.

[\(Council Communication No. 05-299\)](#)

45. Facility Use Agreement with Golf Foundation of Iowa for use of Grandview Golf Course to offer The First Tee life skills and instructional program through December 31, 2020.

[\(Council Communication No. 05-294\)](#)

46. Lease Agreement with Boesen the Florist for 615-619 Grand Avenue from May 1, 2005 to April 1, 2008 at an annual rate of \$2,400.

[\(Council Communication No. 05-288\)](#)

47. Sidewalk Café Lease Agreement with the following:

(A) JHF Corp. dba Johnny's on Court, 302 Court Ave.

[\(Council Communication No. 05-290\)](#)

(B) Papa's Party to Go, 319 Court Ave.

[\(Council Communication No. 05-293\)](#)

(C) I-80 Spaghetti Works, 310 Court Ave.

[\(Council Communication No. 05-291\)](#)

(D) Saddlery Restaurants, Inc. dba Court Avenue Brewing, 309 Court Ave.

[\(Council Communication No. 05-289\)](#)

48. Residential Lease Agreement for Pioneer Park residence, \$650 per month for one year.

[\(Council Communication No. 05-292\)](#)

49. Memorandum of Agreement and receipt of grant from Making Connections/Annie E. Casey Foundation, Des Moines to provide staff support for Neighborhood Grants for Growth Program and the Community Builder Committee, \$7,000.

[\(Council Communication No. 05-287\)](#)

50. Removal of Frisbie Park Neighborhood Association from list of Recognized Neighborhood Associations effective immediately.

[\(Council Communication No. 05-283\)](#)

51. NUMBER NOT USED.

52. 2004 Law Enforcement Terrorism Prevention Program (LETPP) Grant.

[\(Council Communication No. 05-298\)](#)

53. Communications from Downtown Community Alliance requesting approval of the following banner designs:

- (A) On behalf of the Blood Center of Iowa for 70 banners in downtown on Locust Street to be displayed west of the river in June and east of the river throughout the year.

- (B) On behalf of the National Governor's Association for 104 banners downtown on Locust Street, Fifth Avenue, and Grand Avenue in July.

54. Iowa State Fair request for temporary head-in parking along north side of Dean Avenue from East 31st Street to East 34th Street; temporary fencing to the sidewalk along Dean from East 31st Street to East 30th, and "No Parking" signs in the area, east of East 34th Street (Gate 7) and Grand Avenue both, north to University and south to Walnut Street during the fair, August 8 through August 21, 2005.

55. Bid from Maddock Industries for one asphalt milling machine to be used by the Street Maintenance Division, \$254,150. (Four bids mailed, one received).

[\(Council Communication No. 05-295\)](#)

- 56. Authorizing Finance Director to draw checks on the registers of May 26, 2005 and June 2, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of May 23, 2005 and May 31, 2005; and to draw checks for biweekly payroll due May 27, 2005.

- 57. Civil Service Entrance List for Development Zoning Inspector and Promotional List for Senior Police Officer.

ORDINANCES - FINAL CONSIDERATION

- 58. Amending Chapter 26 of the Municipal Code to adopt 2003 International Building Code, 2003 International Existing Building Code, portions of the 2003 International Residential Code, 2003 International Mechanical Code, 2003 International Fuel Gas Code, 2005 National Electric Code, and miscellaneous amendments and reorganization, (Plumbing Code changes have been removed from this ordinance).

[\(Council Communication No. 05-273\)](#)

- 59. Amending Chapter 98 of the Municipal Code regarding additional definitions and charges for solid waste collection services.

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

ORDINANCES - FIRST CONSIDERATION

- 60. Amending Chapter 102 of the Municipal Code regarding permits, administrative penalties, permit fees, right-of-way restoration and permittee obligations and adding and enacting a new Section 102-95 regarding construction of a heated sidewalk.

[\(Council Communication No. 05-271\)](#)

- 61. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Corner Clearance-South Side of East Marion Street, East of SE 3rd Street.
 - (B) Removal of One Metered Parking Space-East Side of 15th Street, North of Grand Avenue.
 - (C) Corner Clearance-East Side of SE 22nd Street, North of East Marion Street.

- (D) Corner Clearance-South Side of Watson Avenue, West of Saylor Road.
- (E) Corner Clearance-North Side of East Kirkwood Avenue, West of SE 8th Court.
- (F) Corner Clearance-West Side of 29th Street, South of Cottage Grove Avenue.
- (G) Various Handicapped Parking Meter Revisions.
- (H) Corner Clearance-South Side of Prospect Road, East of 25th Street.

COMMUNICATIONS/REPORTS

- 62. From Robin Ghormley, 1427 – 21st Street requesting to speak regarding abandoned housing.

HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 63 THRU 69)

- 63. Items regarding amendments to the Industrial District Zoning regulations, and the City-wide downzoning of certain M-2 Heavy Industrial District parcels:

- (A) Hearing on amendments to the Zoning Ordinance and Landscape policies referenced in the Site Plan Regulations.

[\(Council Communication No. 05-278\)](#)

- (B) First consideration of ordinance above.
- (C) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.
- (D) Hearing on rezoning portions of “M-2” (Heavy Industrial District) to “M-1” (Light Industrial District).

[\(Council Communication No. 05-279\)](#)

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

- (G) Lifting the temporary moratorium on new “M-2” Heavy Industrial uses.
64. On applications from Richard Downs and H. Dwayne Crozier, seeking voluntary annexation by the City of Des Moines of approximately 130 acres located in vicinity of 4520 Easton Boulevard and 4880 NE 23rd Avenue.
65. On Annexation Moratorium Agreement and Intergovernmental 28E Agreement with Indianola and Warren County establishing an area between Des Moines and Indianola into which both cities agree not to annex for a period of ten years.
66. On property in the vicinity of 627 SE 6th Street to allow development of an engineering testing laboratory and accessory offices:
- (A) Recommendation from Plan and Zoning Commission regarding amendment to the Des Moines 2020 Community Character Land Use Plan, to change from Low/Medium Density Residential to Commercial: Auto-Oriented Small-scale Strip Development.
 - (B) Hearing on rezoning of property at SE 6th and Shaw from “R1-60” (One-Family Low-Density Residential) to Ltd. “M-1” (Light Industrial).
 - (C) First consideration of ordinance above.
 - (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
67. On Zoning Ordinance text amendment to revise the term that special event signage may be granted for recognized neighborhood groups from a maximum of 10 days to 30 days.
- (A) First consideration of ordinance above.
68. On Skywalk Bridges 8C-8D and 8DA at Wells Fargo Building: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as M.A. Mortenson Company, (Thomas F. Gunkel, President & CEO, Minneapolis, MN), \$1,191,000.
- (A) Approving contract and bond and permission to sublet.

[\(Council Communication No. 05-304\)](#)

69. On 38th and Douglas Avenue Traffic Signals: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as The Waldinger Corporation, (Tom Koehn, President, DSM), \$114,126.

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

END HEARINGS AT _____ P.M.

APPROVING

70. Items regarding zoning and redevelopment of Riverpoint West Area:

(A) Preliminary Agreement with Hubbell Realty Company and Hubbell Terminal Corporation (Rick Tollakson, President & CEO) and Riverpoint West LLC (George Sherman, President) for redevelopment of parcels west of SW 9th along Tuttle and Murphy Streets.

[\(Council Communication No. 05-305\)](#)

(B) Final consideration of amendment to Zoning Ordinance to create new "C-3B" (Central Business Mixed Use) District.

(C) Final consideration of ordinance establishing design guidelines for review of site plans for development within "C-3B" District and approval of site plans for vehicle display lots in all districts.

(D) Amendment to Landscape Policies regarding development in new "C-3B" and "D-R" Districts.

(E) Final consideration of ordinance rezoning Riverpoint West area from "M-1" (Light Industrial) and "M-2" (Heavy Industrial) to new "C-3B" (Central Business Mixed Use).

(F) Final consideration of ordinance rezoning property in vicinity of 200 and 122 SW 16th Street regarding "S-O" (Study Overlay) District regulations.

71. Bid from Owen Crist Auto Body Services for a twenty-four month agreement renewable for two additional twelve month periods to furnish vehicle impound vehicle towing and storage services to the Police Department. (Eight bids mailed, three received).

[\(Council Communication No. 05-302\)](#)

72. Request to prepare an RFP to secure professional services for preparation of land use and redevelopment plan for the Indianola Avenue Connector area.

(Council Communication No. 05-286)

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZATION

1. For the Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:
 - (A) 1506 Arthur Avenue, Titleholder: David Kopaska.
 - (B) 921 Franklin Avenue, Titleholder: Deutsche Bank National Trust Company, as Trustee.
 - (C) 1707 Mondamin Avenue, Titleholder: John Davis d/b/a Tax 201 and Christine Frank d/b/a Tax 201; Contract Buyer: Paul Redding.
 - (D) 1715 University Avenue, Titleholder: Edward Moss d/b/a Midwest Housing, Susan Moss d/b/a Midwest Housing, Martin Aguilar; Contract Buyer: Summer Anderson.
 - (E) 515 SE 2nd Street, Titleholders: Robert G. Doebele and Mary K. Doebele; Mortgage Holder: ABN AMRO Mortgage Group, Inc.
 - (F) 1245 9th Street, Titleholder: Robert H. Cook d/b/a Cook Enterprises.
 - (G) 1613 E. 22nd Street, Titleholders: Frederick Hart, Jr.; Contract Buyers: John R. Cooper and Romona L. Cooper.
 - (H) 683 42nd Street (garage), Titleholder: Timothy E. Larson; Mortgage Holders: Principal Employees Credit Union and Mortgage Electronic Registration Systems.

2. The Engineering Department to contract for the removal of the following structures:
 - (A) 3412 Dubuque Avenue, Jerry L. Holman, Jr.
 - (B) 1314 8th Street, Titleholders: Garnett M. Lewis, Dexann Lewis and Larry L. Lemont.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003