

DES MOINES CITY COUNCIL MEETING

September 26, 2005 4:30 P.M.

PROCLAMATIONS – 4:00 P.M.

National Domestic Violence Awareness Month

Italian Heritage Month

Des Moines Jazz History Day

Recognition of this year's inductees into the Hall of Fame:

Scott Smith, piano

Ben Harrison, guitar

Steve "Toad" Stewart, trombone

Jerry Stenstrom, trumpet

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 50:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License applications for the following:

NEW APPLICATIONS

- | | | | |
|-----|------------------------------------|----------------|---|
| (A) | HULL AVENUE TAP
Liquor | 834 E HULL AVE | C |
| (B) | LABAMBA MEXICAN AMERICAN
Liquor | 6101 GRAND AVE | C |

- | | | | |
|-----|-----------------------------|------------------|---|
| (C) | OASIS LIQUOR
Liquor | 1401 BUCHANAN ST | E |
| (D) | TERIYAKI HOUSE
Beer/Wine | 5514 DOUGLAS AVE | C |

RENEWAL APPLICATIONS

- | | | | |
|-----|----------------------------------|---------------------|--------|
| (E) | BEST FOOD MART | 4028 E 14TH ST | C Beer |
| (F) | BISTRO MONTAGE
Liquor | 2724 INGERSOLL AVE | C |
| (G) | DES MOINES CLUB
Liquor | 666 GRAND AVE | A |
| (H) | ENVY
Liquor | 214 3RD ST | C |
| (I) | GIT N GO STORE #33 | 865 42ND ST | C Beer |
| (J) | GODFATHERS PIZZA | 4119 UNIVERSITY AVE | B Beer |
| (K) | KENNY DS
Liquor | 3925 E 14TH STREET | C |
| (L) | KP LLC | 1800 SE 14TH ST | C Beer |
| (M) | LOCO JOES | 4100 MERLE HAY RD | B Beer |
| (N) | QUIKTRIP #500 | 3700 HUBBELL AVE | C Beer |
| (O) | ROAD TRIP OF IOWA | 2110 GUTHRIE AVE | C Beer |
| (P) | ROBINS WOOD OVEN GRILL
Liquor | 6401 SE 14TH ST | C |
| (Q) | SCHAFFERS | 504 E LOCUST ST | B Wine |
| (R) | TRATTORIA | 207 4TH ST | B Wine |
| (S) | TRATTORIA
Liquor | 207 4TH ST | C |

5. City Clerk to issue Cigarette Licenses.

6. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Iowa Department of Transportation (IDOT) Urban State Traffic Engineering Program (U-Step) Application for addition and extension of turning lanes at intersection of SE 14th Street (U.S. 69) and Hartford Avenue.

[\(Council Communication No. 05-535\)](#)

8. Approving Professional Services Agreement with Durrant, for the Crivaro and Tower Parks Water Playgrounds, not to exceed \$59,800.

[\(Council Communication No. 05-540\)](#)

9. Approving Professional Services Agreement with Dunbar/Jones Partnership, for Redevelopment Master Plan for Good Park, \$18,215.

[\(Council Communication No. 05-543\)](#)

10. Approving Change Orders No. 1 and 2 with Larson & Larson Construction, LLC for additional work on Western Gateway Improvements Project, \$135,342.

[\(Council Communication No. 05-536\)](#)

11. Approving completed construction and final payment to the following:
 - (A) Van Hauen & Associates, Inc. for the Beaver and Adams Avenues Sanitary Sewer Relocation.
 - (B) The Hansen Company, Inc. for the 1st Street Bridge Over the Raccoon River Roadway Deck Repairs.

SPECIAL ASSESSMENTS

12. Approving levying assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) for Schedule No. 2005-12.
13. Approving deletion of NAC-Emergency Assessments at various locations.
14. Approving the following:
 - (A) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for August 2005.
 - (B) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for August 2005.
15. Authorize execution of one petition and waiver form for paving or curb replacement program/request to repair driveway.

LAND/PROPERTY TRANSACTIONS

16. Real estate documents for property in vicinity of SE 6th Street and Maury Street for future recreational trail purposes.
17. Real estate documents for property adjacent to 2507 Merle Hay Road for street maintenance purposes.
18. Authorize payment of condemnation award for acquisition of property located at 6224 Grand Avenue for the American Discovery Trail Project-Walnut Creek Segments-1 and 2.
19. Approving Federal Aviation Administration Certification of Title for five properties located along McKinley Avenue near SW 56th Street.
20. Approving subdivision plat entitled Woods on the River Plat 9, north of King Avenue, east of Whispering Ridge Drive, and west of River Ridge Drive.

[\(Council Communication No. 05-534\)](#)

21. Approving Tax Abatement Application for additional value added by improvements for 1660 Emma Avenue made during 2003.

[\(Council Communication No. 05-529\)](#)

22. Approving Tax Abatement Application for 4305 Hull Avenue, filed within two-year grace period.

[\(Council Communication No. 05-530\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

23. Approving appointment of Council Member Tom Vlassis as representative to the National League of Cities and approving travel to additional meetings, (sites and dates to be approved at a later date).
24. Recommendation of Mayor Frank Cownie to appoint Fredrick Wegner to Seat 1 on the Access Advisory Board to fill unexpired term commencing June 15, 2002 to expire June 15, 2006.
25. Communication from the Licensing and Appeals Board declaring Seat 14 vacant, effective immediately.
26. Approving the following recommendations from Council Member Hensley:
 - (A) Appointment of Jeff Johansen to Seat 13 on the Plan and Zoning Commission for a five-year term commencing July 1, 2005 to expire July 1, 2010.
 - (B) Reappointment of Mary McBride to Seat 6 on the Traffic Safety Committee for a three-year term commencing December 31, 2005 to expire December 31, 2008.

COMMUNICATIONS FROM PLANNING AND ZONING

27. Regarding request from Des Moines Public Schools to vacate and convey E. 7th Street from E. University Avenue to Filmore Street, Pine Street from E. University to Filmore, Filmore from E. 7th to Pennsylvania and all intervening alley rights-of-way bounded by E. University, Freemont, Pennsylvania and E. 7th Street, subject to conditions.
28. Regarding request from Dewayne Rohrer for vacation and conveyance of the north/south alley between 23rd and 24th Streets extending 528' south from Lincoln Avenue, subject to conditions.
29. Regarding request from KC Holdings VI, LLC, (Jake Christiansen, Officer) for vacation and conveyance of subsurface rights adjoining property at 518 Grand Avenue and 417 6th Avenue, subject to conditions.

30. Setting Date of Hearing on request from Glen Mikel (Developer) to rezone property at 1700 East Aurora Avenue to revise “M-2” (Heavy Industrial) with conditions approved by Ordinance 11,669, removing condition prohibiting conditional use of property for junk/salvage yard, allowing for future consideration of vehicle towing contractor storage yard, subject to conditions, (10-10-05).

31. Regarding the following requests from Des Moines Public Schools for property at 1101 E. 6th Street:
 - (A) To amend the Des Moines 2020 Community Character Land Use Plan for future land use designation from Low Density Residential to Public/Semi-Public.

 - (B) Setting Date of Hearing to rezone from “C-2” (General Retail and Highway Oriented Commercial) and “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and conditional approval of PUD Conceptual Plan for Longfellow Wallace Community School, subject to conditions, (10-10-05).

SETTING DATE OF HEARINGS

32. On request from Southeast Polk Community Schools to rezone 4401 NE 46th Street from “A-1” (Agricultural) to “R1-80” (One-Family Residential) to allow future expansion of Delaware Elementary School, (10-10-05).

33. On issuance of not to exceed \$32,000,000 General Obligation Refunding Bonds for Series 1999A and 2000D, (essential corporate purpose), (hearing will be on October 10 at 5:00 PM, and will also require a special Council meeting on Wednesday, October 26, 4:45 PM to approve the sale).

[\(Council Communication No. 05-526\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

34. Approving payment of \$29,000 to Shelter Insurance Companies, as Subrogee of William Griffin, for property damage as a result of sewer backup.

35. Approving payment of \$8,082.20 to Marjorie Stilley for property damage as a result of sewer backup.

35-I Approving payment of \$15,000 to Liberty Bank FSB for a claim. SPONSOR: Hensley.

CITY MANAGER COMMUNICATIONS

36. Submitting out-of-state travel for Tom Vlassis.

[\(Council Communication No. 05-547\)](#)

APPROVING

37. Contract No. LIHEAP-06-07-J with Iowa Department of Human Rights/Division of Community Action Agencies for energy related assistance for low-income residents from October 1, 2005 to September 30, 2006.

[\(Council Communication No. 05-545\)](#)

38. 2004 Supportive Housing Program Renewal Grant Agreement with HUD for supplemental funding for local homeless programs to address service gaps.

[\(Council Communication No. 05-524\)](#)

39. Receipt of Proposed Airport Board Regulation No. 05-49 regarding rate changes.

40. 2005 Official Financial Report for City Streets.

[\(Council Communication No. 05-546\)](#)

41. Provision of ICMA VantageCare Retirement Health Savings Plan to the following International Association of Machinists and Aerospace Workers, Local Lodge 204:

(A) Unit 10, Clerks.

(B) Unit 11, Professional Librarians.

42. Temporary Parking License with Wells Fargo Financial, Inc. for use of City-owned surface parking lot located south of Martin Luther King, Jr. Parkway between 9th and 11th Streets.

43. Communications from Downtown Community Alliance requesting approval of the following banner designs:
 - (A) On behalf of the World Food Prize and Downtown Events Group, 134 banners on Locust Street during October 2005.
 - (B) On behalf of Iowa Health Systems and Festival of Trees and Lights, 30 banners on Locust Street during November 2005.
44. Approving bid from Hewlett Packard for computer equipment per Western States Contracting Alliance price agreement #90-00151 to be used by the IT Department, \$43,625.
45. Civil Service Entrance Lists for Client Server Application Developer and Departmental User Support Technician and Promotional List for Police Captain.
46. Authorizing Finance Director to draw checks on the registers of September 29, 2005 and October 6, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of September 26, 2005 and October 3, 2005; and to draw checks for biweekly payroll due September 30, 2005.

ORDINANCES - FINAL CONSIDERATION

47. Vacating the portion of 14th Street and any remaining alley rights-of-way and reserved easements for public utilities within the two block area located between Locust Street and Grand Avenue, and between 13th and 15th Streets.
48. Amending Chapter 26 of the Municipal Code regarding the Plumbing Code.

[\(Council Communication No. 05-525\)](#)
49. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Corner clearance-south side of Indiana Avenue, west of 2nd Avenue.
 - (B) Parking restriction-east side of South Union Street from E. Dunham Avenue to E. Edison Avenue.

ORDINANCES - SECOND CONSIDERATION

- 50. Amending Chapter 2 of the Municipal Code regarding salary of mayor and councilmembers.

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

ORDINANCES - FIRST CONSIDERATION

- 51. Amending Chapter 2 of the Municipal Code regarding preference for local goods and services.
 - (A) Final consideration of ordinance above, (waiver requested by the Aviation Department), requires 6 votes.

- 52. Amending Chapter 126 of the Municipal Code regarding taxicab trip rates.
 - (A) Final consideration of ordinance above, (waiver requested by the applicant), requires 6 votes.

COMMUNICATIONS/REPORTS

- 53. From Robert J. Conley, 1050 Sixth Avenue, to speak regarding hotel development in Des Moines.
- 54. From Tom Howard (ST Investments) regarding a proposed mixed use development at East 5th & Walnut.
- 55. From Mark A. Knudsen, 1100 E. County Line Road, to speak regarding sewer lines in the Central Business District.
- 56. Receipt of Des Moines Water Works 2004 Audit Reports.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 57 THRU 63)

57. On appeal from Bad Kids, Inc., regarding Street Use Team denial of their application.

[\(Council Communication No. 05-541\)](#)

58. On conveyance of property abutting 1645 24th Drive, to Michael J. and Lori J. Greene, \$75.

[\(Council Communication No. 05-538\)](#)

59. On vacation and conveyance of a portion of 36th Street right-of-way, south of Douglas Avenue to Jerry D. Lohner, \$600.

[\(Council Communication No. 05-539\)](#)

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

60. On vacation and conveyance of a strip of 62nd Street right-of-way between Grand Avenue and Walnut Hill Drive, to System Capital Real Property Corporation, \$5,700, (to correct error in legal description in Roll Call 05-1190).

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above, (waiver requested by Legal Department), requires 6 votes.

61. On request from Baker LP to rezone property located in vicinity of 2629 E. 29th Street and 2903 Grandview Avenue from “R1-60” (One-Family Low Density Residential) to “C-1” (Neighborhood Retail Commercial) to allow garage addition to existing mixed use commercial/residential building and to include existing off-street parking areas accessory to building.

(A) First consideration of ordinance above.

- (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
62. On request from Hubbell Properties II, LC to rezone property in the vicinity of 4615 NE Hubbell Avenue, from “A-1” (Agricultural) to “PUD” (Planned Unit Development), to allow 38.89 acres of land identified for single-family residential development, with a minimum lot width of 55 feet and lot area of 6,875 square feet; 2.6 acres designated for open space, and 3.12 acres along Hubbell Avenue identified for Highway-Oriented Commercial Use, and approval of the Summersfield Concept Plan subject to conditions.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
63. Items regarding request from Curley Top LLC to rezone 1720 SW 1st Street from “M-1” (Light Industrial) to “R-4” (Multiple Family Residential) to allow construction of a 40-unit three-story apartment building for senior living:
- (A) Approving amendment to the Des Moines 2020 Community Character Land Use Plan, from General Industrial to High Density Residential.
- (B) Hearing on proposed rezoning.
- (C) First consideration of ordinance above.
- (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
- (E) Approving real estate documents for property between SW 2nd Street and Indianola Avenue and between Granger Avenue and Dunham Avenue for the Indianola Avenue redevelopment area project, \$65,900 plus closing costs.

** END HEARINGS AT _____ P.M.**

APPROVING

64. Preliminary approval for a Neighborhood Commercial Revitalization Program Loan and an economic development grant to assist in renovations to 216 Court Avenue.

[\(Council Communication No. 05-542\)](#)

65. Application for Enterprise Zone Benefits for The Brownstones on Grand, L.L.C., vicinity of 2nd, 3rd, Grand and Watson Powell Drive in Des Moines Gateway Enterprise Zone.

[\(Council Communication No. 05-523\)](#)

66. Request For Information (RFI) for redevelopment of City-owned property on south side of Court Avenue between 4th and 5th Streets in Metro Center Urban Renewal Area.

[\(Council Communication No. 05-544\)](#)

67. Operation Downtown reimbursement for beautification and maintenance projects that were made on Nollen Plaza and Court Avenue in preparation for the National Governor's Association meeting last July.

[\(Council Communication No. 05-528\)](#)

68. Receipt of Certificate of Achievement for 2004 Performance Report.

[\(Council Communication No. 05-527\)](#)

69. Agreement for pedestrian bridge and pedestrian improvements for the Iowa Events Center Project over realigned Third Street.

70. Temporary building setback easement to allow retention of a deck for residential use at 418 E 5th Street.

71. Amendment to Schedule of Administrative Penalties to include additional penalties in conjunction with Right-of-Way Management Program.

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. Receive and file Board of Adjustment decision regarding Use Variance for 2218 E. 9th Street, Jorge Morales (Owner). SPONSOR: Mahaffey.

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
 - (A) 1520 Center Street, Titleholders: Mark Jesse, Laura Jesse; Trafalgar Holdings, LC. Mortgage Holder: First State Bank of Colfax.
 - (B) 2208 Garfield Avenue, Titleholder: The Estate of Robert J. Hutton.
 - ~~(C) 2415 Reynolds Lane (garage), Titleholder: Delores I. Hartman; Mortgage Holder: Aegis Wholesale Corporation.~~
 - ~~(D) 1328 4th Street, Titleholder: Basim Bakri.~~
 - (E) 623 SE 6th Street, Titleholder: The Estate of Sheila Rae Hascall.
 - ~~(F) 2140 SE 6th Street, Titleholder: D&L Homes, LLC.~~
 - (G) 1003 E 7th Street, Titleholder: First National of North America. LC.
 - (H) 1645 E. 14th Street, Titleholder: Sandy Olechnovics.
 - (I) 254 E. 17th Street, Titleholders: Jack R. Knox, Joyce A. Henderson and Mark Killan; Contract Buyer: Geraldine V. Madison.
 - (J) 1202 E. 32nd Street (garage), Titleholder: Steven W. Thornton; Legal Interest Holder: Jean Johnson.
2. The Engineering Department to cause the removal of the structure located at 1805 Allison Avenue, Titleholder: Michael Dooley.
3. The release of demolition cost reserve held by State Farm Insurance Companies, under claim number 15-E081-417 regarding the property located at 1110 Clark Avenue insured by Robb Spearman, LLC.

COMMUNICATION

4. Regarding demolition cost reserve being held by Allied Insurance for the fire-damaged garage located at 1604 7th Street.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003