

DES MOINES CITY COUNCIL MEETING

November 3, 2003 4:30 P.M.

PROCLAMATIONS - 4:15 P.M.: Lupus Awareness Month

INVOCATION: Reverend Jean McCarthy, St. Marks Episcopal 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 38:

LICENSES AND PERMITS

Approving

4. The following Beer/Liquor Applications:

NEW APPLICATIONS

- (1) Aldi Inc., 3940 E 14th Street, C Beer.
- (2) Aldi Inc., 3940 E 14th Street, B Wine.
- (3) Aldi Inc., 500 E Army Post Rd., C Beer.
- (4) Aldi Inc., 500 E Army Post Rd., B Wine.
- (5) Aldi Inc., 2543 E University Avenue, C Beer.
- (6) Aldi Inc., 2543 E University Avenue, B Wine.
- (7) Bordenaros Pizza, 6108 SW 9th Street, C Beer/Wine.
- (8) Duds N Suds, 2629 Beaver Avenue, B Beer.
- (9) La Cruz, 3900 E 14th Street, C Beer.
- (10) My Place, 910 Hull Avenue, C Liquor.

RENEWAL APPLICATIONS

- (11) Apex Oil, 1200 SE 30th Street, C Beer.
- (12) Centro Restaurant, 1011 Locust Street, C Liquor.
- (13) Dahls, 3400 E 33rd Street, C Beer.
- (14) Dahls, 3400 E 33rd Street, B Wine.
- (15) Garden, 112 SE 4th Street, C Liquor.
- (16) Louies Chinese & Thai Food, 1022 E 12th St, B Beer.
- (17) Royal Mile, 210 4th Street, C Liquor.
- (18) West End Lounge, 2309 Forest Avenue, C Liquor.

PUBLIC IMPROVEMENTS

5. Resolution Ordering Construction of the following:

(A) 7th & Grand Parking Garage Elevator Replacement, Receiving of Bids, (11-18-03), and Setting Date of Hearing, (12-08-03). (Construction Estimate - \$290,000).

(B) WRA West Des Moines South Outfall Phase 1 - 1st Street to 4th Street, Receiving of Bids, (11-25-03), and Setting Date of Hearing, (12-08-03). (Construction Estimate - \$559,800).

(C) WRF Aeration Piping Improvements, Receiving of Bids, (11-25-03), and Setting Date of Hearing, (12-08-03). (Construction Estimate - \$784,000).

6. Approving private construction contract between McAninch Corporation (Douglas D. McAninch, President, West Des Moines, Contractor) and Oaks Development (John C. Kline, Partner, West Des Moines, Owner) for storm sewer improvements in Park Place Estates Plat 1, located at East Park Avenue and SE 25th Street.

7. Approving contract and bond and permission to sublet for a public improvement project, which estimated cost is less than \$25,000 - Grays Lake Entrance Gates, \$23,432.

8. Accepting completed construction and approving final payment of the following:

(A) Emergency Scott Street Siphon Evaluation, \$453.23 is now due and remaining balance of \$4,319 to be paid at the end of thirty days.

(B) Waveland Golf Course Cart Paths, \$21,262.52 is now due and remaining balance of \$19,829.08 to be paid at the end of thirty days.

SPECIAL ASSESSMENTS

9. Deletion of NAC-Emergency Orders Assessment Schedule 2003-29, Certificate 00-10409-00, \$150, for property at 1743 Des Moines Street.

LAND/PROPERTY TRANSACTIONS

10. Authorization to proceed with right-of-way acquisition for property North of University Avenue and East of Second Avenue for the Clark Street Pump Station Project estimated cost - \$85,000.

11. Approve and accept Real Estate documents for property at 230 and 234 East Grand Avenue for the Gateway East Project, \$550,000 plus closing costs.

12. Approve and accept right-of-way documents for property at 2815 Hickman Road for the Closes Creek Storm Water Improvement Project, closing costs only.

13. Approve and accept Real Estate documents for property at 703 SE 5th, 711 Shaw Street, and 504 Maury Street for the Des Moines River Outflow and Overflow Project, closing costs only.

14. Dedicating the right-of-way for extension of Indianola Avenue to the Raccoon River Bridge.

STREET CLOSURES

15. Approving recommendation of Street Use Team to close the following streets:

(1) Kelly Foss, representing Downtown Community Alliance, requesting permission to close E 1st-Walnut to Court & 1st Street from Walnut Street to Court Avenue-4PM to 8PM; Walnut - 4th to 14th Street - 7AM to 9 PM; Court Avenue Bridge - 7AM to 10PM; Riverside Drive - 8AM to 10PM; 4th from Court to 1st Driveway before Depot- Noon to 9 PM on Saturday, December 6, 2003 for Fire in the Sky.

CITY PLAN COMMISSION RECOMMENDATIONS

16. Regarding request from Mercy Medical Center for vacation and conveyance of 3rd Street from University Avenue to Laurel Avenue to assemble into the Mercy Medical Center campus, subject to conditions.

17. Regarding request from Mid-Iowa Environmental Corporation, 3009 SW 9th Street, for vacation and conveyance of the remaining portion of North/South alley between SW 9th Street and SW 7th Street, running south of Virginia Avenue to the East/West alley.

SETTING DATE OF HEARINGS

18. On issuance of not to exceed \$5,500,000 Senior Housing Revenue Bonds, for Luther Park Apartments, (12-8-03).

[\(Council Communication No. 03-522\)](#)

19. On proposed renaming of portions of E. First Street and E. River Drive from Locust to E. 6th Street, as "Robert D Ray Drive", (11-17-03).

20. On application from TCK Development LLC, to rezone property at 2414, 2470 and 2540 E. Payton Avenue from "R1-80" (One-Family Residential) to "R1-70" (One-Family Low Density Residential), for subdivision of single-family residential lots, (11-17-03).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. Approving the following payments for worker's compensation claims:

(A) Edward Killin - \$20,529.90

(B) James Lumley - \$15,068.00

(C) David Ramierz - \$17,348.08

(D) Lance Woods - \$20,452.05

22. Approving payment of \$809.51 to Myers & Jenkins for representation in Trans World Airlines, Inc. bankruptcy and the UAL Corporation bankruptcy.

23. Approving payment of \$1,792.85 to Palmer & Dodge for representation of City in lawsuit entitled United States, ex re. Pram Nguyen v. Cleveland-Hopkins International Airport, et al.

24. Approving payment of \$5,228.90 to Farmers Insurance Group as the result of a property damage subrogation claim due to an auto accident on July 5, 2003.

25. Approving payment of \$3,450.07 to Ahlers & Cooney, P.C. for services related to Supplemental No. 9 of the Master Lease Program.

CITY MANAGER COMMUNICATIONS

26. Submitting various traffic regulation changes as follows:

(1) Through Street Designation-Village Run Drive from the West Line of Brook View Drive to the East Line of East 52nd Street.

(2) Corner Clearance-East Side of Henry Street, South of Park Avenue.

(3) Corner Clearance-West Side of 15th Street, South of High Street.

[\(Council Communication No. 03-524\)](#)

27. Submitting out-of-state travel requests for Tom Vlassis and Dennis O'Donnell.

[\(Council Communication No. 03-519\)](#)

APPROVING

28. Amended Cooperative Agreement with United States Department of Housing and Urban Development (HUD) which provides \$69,300 for the Des Moines Human Rights Commission.

29. Economic Development Loan Agreement with GCommerce, Inc. and authorization to execute agreement, \$250,000.

[\(Council Communication No. 03-521\)](#)

30. Petition to continue and expand the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID).

31. Submitting applications to the Metropolitan Planning Organization for Federal Surface Transportation Program (STP) and Transportation Enhancement (TE) funds for the following projects:

[\(Council Communication No. 03-525\)](#)

(1) Martin Luther King East Extension - SW 2nd Street to SE 6th Street.

(2) Indianola Avenue Widening - SE 14th Street to Army Post Road.

(3) Hickman Road Resurfacing - 30th Street to Beaver Avenue.

(4) Hickman Road Resurfacing - Beaver Avenue to Merle Hay Road.

(5) Martin Luther King Jr. Parkway/19th Street Resurfacing - University Avenue to Mondamin Avenue.

(6) Martin Luther King Jr. Parkway Resurfacing - Mondamin Avenue to Hickman Road.

(7) Bicycle/Pedestrian Trails: Waveland Trail - Phase One.

32. Extension of Master Lease-Purchase Agreement with Banc of America Leasing & Capital, LLC for a one year term.

[\(Council Communication No. 03-523\)](#)

33. Release of Utility Easement Rights for property previously vacated and conveyed in vicinity of 9th Street and SE 10th Street.

34. Communication from Downtown Community Alliance requesting permission to display 14 banners on behalf of Fire In The Sky in downtown Des Moines in November and December 2003.

35. Bids for the following:

(A) Minneapolis Asphalt Systems (Minneapolis, MN) for 350 tons 1/2" multi-grade asphalt cold mix at \$54 per ton and Grimes Asphalt and Paving (Grimes, IA) for 650 tons high performance cold mix at \$73.45 per ton each for an annual contract with two additional one year renewal options to be used by the Public Works Department. (Five bids mailed, three bids received).

(B) Binns & Stevens (Oskaloosa, IA) for an annual contract with two additional one year renewal options to furnish calcium chloride to the Street Maintenance Division, \$.449 per gallon. (Eight bids mailed, three received).

36. Authorizing Finance Director to issue checks on the registers of November 6 and November 13, 2003; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of November 3 and November 10, 2003; and to draw checks for biweekly payroll due on November 14, 2003.

ORDINANCES - SECOND CONSIDERATION

37. Amending Chapter 30 of the Municipal Code regarding licensing of and transaction fees for Pawnbrokers.

38. On request from Luther Care Services to rezone property at 2808 E. 16th from "R1-60" (One Family, Low Density Residential) and "R-2" (One and Two Family Residential) to a "PUD" (Planned Unit Development), to allow development of a 47 unit elderly housing apartment building.

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

ORDINANCES - FIRST CONSIDERATION

39. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows:

- (1) Two-way stop - East 17th Street at Garfield Avenue.
- (2) Corner Clearance - south side of Wilmers Avenue, east of SE 3rd Street.
- (3) Corner Clearance - south side of Rollins Avenue, east of 40th Place.
- (4) Corner Clearance - north side of Capitol Avenue, east of East 21st Street.

COUNCIL REQUESTS

40. From Council Member Archie Brooks, to install sidewalks on the north side of McKinley, from Fleur Drive to the existing sidewalk.

COMMUNICATIONS/REPORTS

41. From Robert French, 1119 E. 13th Street, requesting to speak regarding late fees for animal licenses.

42. From Christina Boles, 5801 SW 4th Street, requesting to speak regarding the installation of stop signs for east/west traffic at SW 4th and Wall Avenue intersections.

43. From Tammie Palazzo, to speak regarding parking lot issues at Palazzo's Java House, 3304 E. University.

44. Request from Neighborhood Development Corporation, to initiate rezoning of the parcels at the 6th and College redevelopment site to NPC (Neighborhood Pedestrian Commercial), with the condition that taverns, night clubs and package liquor not be allowed.

HEARINGS (Opened at _____ P.M.) (Item 45)

45. Items regarding proposed use and redevelopment of the downtown riverfront area between University Avenue and the confluence of the Des Moines and Raccoon Rivers:

[\(Council Communication No. 03-520\)](#)

(A) Approving proposed amendments to the Des Moines 2020 Community Character Plan to amend the future land use plan and text regarding the planned uses within the downtown riverfront area; and to adopt the proposed Riverfront Master Plan as a reference to the Community Character Plan.

(B) Closing the public hearing on the proposed amendments to the Zoning ordinance to enact the new "D-R" Downtown Riverfront District.

(C) First consideration of ordinance enacting the new "D-R" Downtown Riverfront District regulations.

(D) Closing the public hearing on the proposed rezoning of the downtown riverfront area to the "D-R" Downtown Riverfront District.

(E) First consideration of rezoning ordinance.

* * END HEARINGS at _____ P.M. * *

BOARD OF HEALTH

November 3, 2003

MOTION TO CONVENE

HEARINGS

1. On resolution to demolish and remove dangerous structures or to determine appropriate equitable action to be taken at 627 SE 30th Street, Titleholders: Margaret Russell and Henry Russell as heirs to the estate of Woodrow Murphy, Tax Certificate Holder: OHP 57. L.C.

AUTHORIZING

2. Court authority to abate the public nuisance at the following location:

(A) 1161 Bundy Street (vacant), Titleholder: Jeff Tinlin; Tax Certificate Holders: Dennis Bloom d/b/a Tax 159 and John Zajicek d/b/a Z Fin 26.

(B) 2501 Lyon Street (vacant), Titleholder: John Holtz d/b/a Iowa Acquisitions, LLC and Becky Holtz d/b/a Iowa Acquisitions, LLC.

(C) 1323 E. 25th Court (vacant), Titleholder: John Latshaw; Contract Buyer: Carl Lint; Tax Certificate Holder: Mooring Tax Asset Group, III, LC.

(D) 671 37th Street (garage), Titleholders: Geraldine P. Jennett and Paul L. Jennett.

3. The Engineering Department to cause the removal of the following:

(A) 1964 Arlington Avenue, Titleholder: Earl Nelson; Mortgage Holders: Nationscredit Financial Services Corporation d/b/a Equicredit and Household Finance Industrial Loan Company of Iowa.

(B) 406 Kirkwood Avenue, Titleholder: Ruth L. Flippo a/k/a Ruth Stiles.

(C) 2602 Logan Avenue, Titleholder: Constance Neel; Mortgage Holder, Electronic Registration System, Inc.

(D) 712 26th Street, Titleholders: Debra McBride and Douglas McBride.

(E) 701 Boyd Street (Garage), Titleholders: Larny Hendricks, Leola Manson and Shirley R. Branch.

MOTION TO ADJOURN AT _____P.M.