

SUMMARY OF DES MOINES CITY COUNCIL MEETING

DES MOINES CITY COUNCIL MEETING

November 3, 2003 4:30 P.M.

PROCLAMATIONS - 4:15 P.M.:

Lupus Awareness Month

SPECIAL PRESENTATIONS - 4:15 P.M.:

"Concrete Pavement Innovation" Award to Public Works by the Iowa Concrete Paving Association

INVOCATION: Reverend Jean McCarthy

St. Marks Episcopal Church

03-2457 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis.**

03-2458 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2459 3. APPROVING CONSENT AGENDA - items 3 through 38: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

Approving

03-2460 4. The following Beer/Liquor Applications: **Moved by Hensley to adopt. Motion**

Carried 7-0.

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:

03-2461 (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). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2462 (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). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2463 (C) WRF Aeration Piping Improvements, Receiving of Bids, (11-25-03), and Setting Date of Hearing, (12-08-03). (Construction Estimate - \$784,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2464 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2465 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

03-2466 (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. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2467 (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. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

03-2468 9. Deletion of NAC-Emergency Orders Assessment Schedule 2003-29, Certificate 00-10409-00 for \$150 for property at 1743 Des Moines Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

03-2469 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2470 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2471 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2472 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 Outfall and Overflow Project, closing costs only. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2473 14. Dedicating the right-of-way for extension of Indianola Avenue to the Raccoon River Bridge. **Moved by Hensley to adopt. Motion Carried 7-0.**

STREET CLOSURES

03-2474 15. Approving recommendation of Street Use Team to close the following streets: **Moved by Hensley to adopt. Motion Carried 7-0.**

(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

03-2475 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. **Moved by Hensley to adopt and refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.**

03-2476 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. **Moved by Hensley to adopt and refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

03-2477 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](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2478 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). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2479 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). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

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

03-2480 (A) Edward Killin - \$20,529.90. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2481 (B) James Lumley - \$15,068.00. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2482 (C) David Ramierz - \$17,348.08. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2483 (D) Lance Woods - \$20,452.05. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2484 22. Approving payment of \$809.51 to Myers & Jenkins for representation in Trans World Airlines, Inc. bankruptcy and the UAL Corporation bankruptcy. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2485 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2486 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2487 25. Approving payment of \$3,450.07 to Ahlers & Cooney, P.C. for services related to Supplement No. 9 of the Master Lease Program. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

03-2488 26. Submitting various traffic regulation changes as follows: ([Council Communication No. 03-524](#)). **Moved by Hensley to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(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.

(4) Add stop sign - 28th and Wolcott.

03-2489 27. Submitting out-of-state travel requests for Tom Vlassis and Dennis O'Donnell. ([Council Communication No. 03-519](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

03-2490 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2491 29. Economic Development Loan Agreement with GCommerce, Inc. and authorization to execute agreement, \$250,000. ([Council Communication No. 03-521](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2492 30. Petition to continue and expand the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID). **Moved by Hensley to receive, file and refer to the City Plan and Zoning Commission for preparation of an evaluative report on the merit and feasibility on continuation and expansion of the Downtown Des Moines SSMID project and to make recommendations with respect to continuation and expansion of the Downtown Des Moines SSMID Project to be received by the City Council for the November 17, 2003 regular City Council meeting. Motion Carried 7-0.**

03-2493 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](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

(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.

03-2494 32. Extension of Master Lease-Purchase Agreement with Banc of America Leasing & Capital, LLC for a one year term. ([Council Communication No. 03-523](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2495 33. Release of Utility Easement Rights for property previously vacated and conveyed in vicinity of SE 9th Street and SE 10th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2496 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. **Moved by Hensley to receive, file, and approve banner design as submitted. Motion Carried 7-0.**

35. Bids for the following:

03-2497 (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). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2498 (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). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-2499 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

03-2500 37. Amending Chapter 30 of the Municipal Code regarding licensing of and transaction fees for Pawnbrokers. **Moved by Brooks that this ordinance be considered and given second vote for passage. Motion Carried 5-2. Nays: Coleman and Cownie.**

03-2501 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. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

03-2502 39. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows: **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (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

03-2503 40. From Council Member Archie Brooks, to install sidewalks on the north side of McKinley, from Fleur Drive west to the existing sidewalk. **Moved by Brooks to receive, file, and refer to the City Manager to include in the CIP 04/05 sidewalk program. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

03-2504 41. From Robert French, 1119 E. 13th Street, requesting to speak regarding late fees for animal licenses. **Moved by Vlassis to receive and file. Motion Carried 7-0. Mr. French did not appear for this item.**

03-2505 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. **Moved by Brooks to receive, file, and grant the request to speak; refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

WITHDRAWN 03-2506 43. From Tammie Palazzo, to speak regarding parking lot issues at Palazzo's Java House, 3304 E. University.

03-2507 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. **Moved by Vlassis to receive, file, and refer to the City Manager and Community Development Department, to initiate rezoning. Motion Carried 7-0.**

****Council considered Extra Items 1 and 2 next****

HEARINGS (Opened at 5:00 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: [\(Council Communication No. 03-520\)](#).

03-2508 (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. **Moved by Coleman to adopt and approve the proposed amendments. Motion Carried 7-0.**

03-2509 (B) Closing the public hearing on the proposed amendments to the Zoning ordinance to enact the new "D-R" Downtown Riverfront District. **Moved by Coleman to adopt and approve, subject to final passage of the enacting ordinance. Motion Carried 7-0.**

03-2510 (C) First consideration of ordinance enacting the new "D-R" Downtown Riverfront District regulations. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

03-2511 (D) Closing the public hearing on the proposed rezoning of the downtown riverfront area to the "D-R" Downtown Riverfront District. **Moved by Coleman to adopt. Motion Carried 7-0.**

03-2512 (E) First consideration of rezoning ordinance. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

*** * END HEARINGS at 5:32 P.M. * ***

****Council considered Board of Health next****

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.

03-2513 1. Request from Council Member Vlassis to discuss traffic problems in the vicinity of Hoover High School. SPONSOR: Vlassis. **Moved by Vlassis to refer to City Manager for a report on options for traffic regulation changes. Petitions will be provided to Council at a future meeting. Motion Carried 7-0.**

03-2514 2. Approving final subdivision plat entitled Three Lake Estates Plat 5 located in vicinity of SE 28th and Army Post Road. SPONSOR: Brooks. **Moved by Brooks to adopt. Motion Carried 7-0.**

****Council considered Hearing Item 45 next****

A G E N D A

BOARD OF HEALTH

November 3, 2003

03-2515 MOTION TO CONVENE. Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Coleman.

HEARINGS

03-2516 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. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

AUTHORIZING

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

03-2517 (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. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

03-2518 (B) 2501 Lyon Street (vacant), Titleholder: John Holtz d/b/a Iowa Acquisitions, LLC and Becky Holtz d/b/a Iowa Acquisitions, LLC. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

03-2519 (C) 1323 E. 25th Court (vacant), Titleholder: John Latshaw; Contract Buyer, Carl Lint; Tax Certificate Holder, Mooring Tax Asset Group, III, LC. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

03-2520 (D) 671 37th Street (garage), Titleholders: Geraldine P. Jennett and Paul L. Jennett. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

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

03-2521 (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. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

03-2522 3. (B) 406 Kirkwood Avenue, Titleholder: Ruth L. Flippo a/k/a Ruth Stiles. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

03-2523 (C) 2602 Logan Avenue, Titleholder: Constance Neel; Mortgage Holder, Electronic Registration System, Inc. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

03-2524 (D) 712 26th Street, Titleholders: Debra McBride and Douglas McBride. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

03-2525 (E) 701 Boyd Street (Garage), Titleholders: Larny Hendricks, Leola Manson and Shirley R. Branch. **Moved by McPherson to grant an extension until May 1, 2004, to bring the garage into compliance and authorize the Engineering Department to cause removal, if the owner fails to complete renovation. Motion Carried 7-0.**

03-2526 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 5:39 P.M. Motion Carried 7-0.**