

DES MOINES CITY COUNCIL MEETING

**February 23, 2004
4:30 P.M.**

INVOCATION: Rev. Cheryl Thomas
Calvary Baptist Church

- 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 54:

LICENSES AND PERMITS

- 4. Approving the following Alcoholic Beverage License Applications:

RENEWAL APPLICATIONS

(A)	AK OCONNORS	4050 URBANDALE AVE	C Liquor
(B)	CENTRAL CITY LIQUOR	1460 2ND AVE	E Liquor
(C)	CENTRAL CITY LIQUOR	1460 2ND AVE	C Beer
(D)	CENTRAL CITY LIQUOR	1460 2ND AVE	B Wine
(E)	CHAT NOIR CAFE	644 18TH ST	C
	Beer/Wine		
(F)	DAHLS FOODS	3425 INGERSOLL AV	E Liquor
(G)	FAREWAY STORE #900	100 E EUCLID AVE	C Beer
(H)	FORTY THREE RESTAURANT AND BAR		1000
	WALNUT STC Liquor		
(I)	GIT N GO STORE #10	816 E EUCLID AVE	C Beer
(J)	HY VEE FOOD STORE #3	3221 SE 14TH ST	C Beer
(K)	HY VEE WINE & SPIRITS	2310 HUBBELL AVE	E Liquor
(L)	INGERSOLL LIQUOR & BEVERAGE	3500 INGERSOLL AVENUE	C Beer
(M)	INGERSOLL LIQUOR & BEVERAGE	3500 INGERSOLL AVENUE	E Liquor
(N)	INGERSOLL LIQUOR & BEVERAGE	3500 INGERSOLL AVENUE	B Wine
(O)	KELLYS LITTLE NIPPER	1701 E GRAND AVENUE	C Liquor
(P)	KUM & GO #142	4140 PARK AVE	B Wine
(Q)	LA HACIENDA RESTAURANT	111 ARMY POST RD	C Liquor
(R)	LINNS SUPER MARKET	3805 6TH AVE	C Beer
(S)	PEGGYS TAVERN	3020 FOREST AVENUE	C Liquor

(T) RACCOON RIVER BREWING COMPANY 200 10TH ST C Liquor
(U) THAI FLAVORS 1254 E 14TH ST C
Beer/Wine

5. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:
- (A) 8th & Mulberry Parking Garage Demolition – Receiving of Bids, (3-9-04), and Setting Date of Hearing, (3-22-04), (Construction Estimate - \$650,000).
 - (B) Brook Run Park and Riley Park Improvements – Receiving of Bids, (3-9-04), and Setting Date of Hearing, (3-22-04), (Construction Estimate - \$260,555).
7. Approving Electric Distribution System Agreement with MidAmerican Energy Company for street lighting, traffic signals and irrigation system for Martin Luther King Jr. Parkway and Fleur Drive Intersection/Bridges Combined Project, not to exceed \$578.12.
8. Approving Professional Services Agreement with Veenstra & Kimm, Inc. (Robert Veenstra, Jr., President, WDM), in conjunction with Stormwater Sample Collection and Compositing 2004 through 2006.

[\(Council Communication No. 04-086\)](#)

9. Approving addendum to I-235 Preconstruction Agreement, M. L. King Jr. Pkwy. Interchange and Cottage Grove for 19th Street Bridge Replacement.

[\(Council Communication No. 04-085\)](#)

10. Approving Highland Park Streetscape (IDOT Project) – designating lowest responsible bidder, Jasper Construction Services, Inc., (Steven J. Rhoads, President, Newton), approving contract and bond and permission to sublet.

- (A) Approving Supplemental Agreement No. 2 with Brian Clark and Associates, Inc. for construction phase services.

[\(Council Communication No. 04-087\)](#)

SPECIAL ASSESSMENTS

11. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:
 - (A) Schedule No. 2004-03.
 - (B) Schedule No. 2004-51.

12. Approving deletion of NAC-Emergency Assessments at various locations as follows:
 - (A) Schedules 2003-08, 2003-79, and 2004-25 (Charges were waived by an Administrative Hearing).
 - (B) Schedules 2004-02 and 2004-25 (Property transferred ownership).

13. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for January 2004.

14. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for January 2004.

15. Approving Division Assessment Schedule for Pleasant View Drive Paving Preliminary Schedule No. 2002-01.

16. Approving correction of Sewer Assessment Schedule for 2307 E. 21st Street.

LAND/PROPERTY TRANSACTIONS

17. Approving acquisition of right-of-way for SE 14th Street and East Indianola Avenue Intersection Improvements.

18. Establishing Fair Market Value and authorizing acquisition of remaining properties for Western Gateway Project. (Call City Clerk's Office for list).

[\(Council Communication No. 04-095\)](#)

19. Approving Tax Abatement Applications as follows:

(A) Additional value added by improvements made during 2003 (726 applications).

[\(Council Communication No. 04-077\)](#)

(B) Park Fleur Apartments/Condominiums (72 applications).

[\(Council Communication No. 04-076\)](#)

20. Approving Tax Abatement Applications for the following:

(A) Property at 3212 Forest Avenue (Sigma Chi Fraternity) for improvements made during 2001.

[\(Council Communication No. 04-078\)](#)

(B) Property at 4440 Hubbell Avenue for improvements made after annexation in 2001.

[\(Council Communication No. 04-073\)](#)

21. Approval of late filed Tax Abatement applications for 2003 – (10 applications).

[\(Council Communication No. 04-072\)](#)

22. Denial of Tax Abatement Applications for the following:

(A) Property at 1435 East Madison.

[\(Council Communication No. 04-074\)](#)

(B) Properties at 2708 Grand Avenue and 4000 SW 9th Street.

[\(Council Communication No. 04-075\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

23. Recommendation of Council Member Tom Vlassis to appoint Jennifer Irsfeld James to the Historic Preservation Commission (Seat 7) for a three year term commencing October 18, 2003 to expire October 18, 2006.

SETTING DATE OF HEARINGS

24. On 2003 HUD Consolidated Annual Performance and Evaluation Report (CAPER), (3-22-04).
25. On assessment of \$300 penalty to BMJ Food Mart, 3625 Ingersoll, for violation of Iowa Cigarette Laws, (3-8-04).
26. On request from Baker Real Estate L.P. to amend the approved PUD Conceptual Plan for portion of property at 4500 Hubbell Avenue to allow maximum of 156 multiple-family units, (3-8-04).
27. On sale of a portion of the vacated east/west alley right-of-way between Virginia Avenue and Pleasant View Drive, to Teresa M. Russo, \$50, (3-8-04).
28. On sale of property in the vicinity of 202 E. Fulton Drive, to Des Moines Habitat for Humanity, Inc., \$5,805, (3-8-04).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

29. Approving payment of \$83.95 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Gerald Lovejoy in case Maria Garces v. Gerald Roger Lovejoy.
30. Approving payment of \$361 to the Law Firm of Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for legal services related to collective bargaining.
31. Approving payment of \$4,840.85 to Ahlers & Cooney, P.C. for general matters for 2003.
32. Approving payment of \$21,958.65 to Ahlers & Cooney, P.C. for consultation and legal services regarding revision of the Wastewater Reclamation Authority Agreement.
33. Approving payment of \$727.12 from Ahlers & Cooney, P.C. for services related to Supplement Nos. 12 and 13 of the Master Lease Program.
34. Approving payment of \$2,694.09 to Spiegel & McDiarmid Law Firm for services in conjunction with the Brownfields Showcase Community, Federal funding, Riverpoint West Redevelopment and related matters.

CITY MANAGER COMMUNICATIONS

35. Submitting various traffic regulation changes as follows:
- (A) Corner Clearance – Both Sides of Walker Street, East of East 9th Street.
 - (B) Corner Clearance – West Side of East 42nd Street, South of Boyd Street.
 - (C) Corner Clearance – West Side of 4th Street, South of Park Street.
 - (D) Corner Clearance – North Side of Wolcott Avenue, East of SW 31st Street.
 - (E) Handicapped Parking Space Modification – North Side of High Street, East of Martin Luther King Jr. Parkway.
 - (F) Relocate Traffic Control Signal from 14th and Ingersoll to 15th and Ingersoll.
 - (G) Allied/Park Sign and Meter Ordinance Changes.
 - (H) Code Adjustments for Field Signing – 7th Street, Locust Street to Grand Avenue.
 - (I) One-Sided Parking Restriction – Hillsboro Plat III.
 - (J) One-Sided Parking Restriction – Brook Run Village Plat X.
 - (K) One-Sided Parking Restriction – Meadowlands Plats I and II.
 - (L) One-Sided Parking Restriction – Three Lakes Estates Plats IV and V.
 - (M) One-Sided Parking Restriction – Woods On The River Plat VI.
 - (N) One-Sided Parking Restriction – Lakeview Heights Plats I and II.
 - (O) Request for Handicapped Parking – West Side of 16th Street, South of Gillette Street.

- (P) Request for All Way Stops – 38th and Franklin, 38th and Adams, and 50th and Holcomb.
- (Q) Parking Restriction – South Side of East Bell Avenue from SE 14th Street to 900 feet West.
- (R) Corner Clearance – East Side of Oaklyn Drive, North of Lower Beaver Road.

[\(Council Communication No. 04-084\)](#)

- 36. Submitting out-of-state travel for Christine Hensley and Andrea Hauer.

[\(Council Communication No. 04-071\)](#)

APPROVING

- 37. Downtown Self-Supported Municipal Improvement District budget for fiscal year extending from July 1, 2004 to June 30, 2005.

[\(Council Communication No. 04-092\)](#)

- 38. Neighborhood Commercial Revitalization Program Loan for renovation of 414 East 6th Street, \$50,000.

[\(Council Communication No. 04-096\)](#)

- 39. Predevelopment loan in the amount of \$6,528 for proposed renovations to 420 East Locust Street.

[\(Council Communication No. 04-098\)](#)

- 40. Authorizing Request For Proposals for Phase I Environmental Assessments related to Des Moines Brownfields Economic Redevelopment Initiative.

[\(Council Communication No. 04-089\)](#)

41. Recommendations on various City-owned properties in Valley Drive Garden Street Area (now known as George Flagg Parkway).

([Council Communication No. 04-091](#))

42. Phase I of the Americans with Disabilities (ADA) Transition Plan. (on file in City Clerk's Office).

([Council Communication No. 04-079](#))

43. Prepayment of \$2,065,000, 1997 Polk County Park and Ride Bonds.

([Council Communication No. 04-082](#))

44. Authorizing Park and Recreation Director or his designee to sign and submit applications for grants or other giving programs for planning, development, maintenance, and operation of facilities, structures and programs undertaken by Des Moines Park and Recreation Department.

([Council Communication No. 04-080](#))

45. NUMBER NOT USED.

46. Labor Agreement with American Federation of State, County and Municipal Employees, Council 61 and its Affiliated Local 3673 (AFSCME) for Housing Services Department.

([Council Communication No. 04-093](#))

47. Receive and file Library Labor Agreements for July 1, 2004 through June 30, 2006.

([Council Communication No. 04-094](#))

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

- 49. Bid from Bob Brown Chevrolet per State of Iowa Contract CT2751 for two passenger vehicles to be used by the Police Department, \$33,285.03.
- 50. Civil Service Entrance List for Park and Recreation Customer Service Representative, and Promotional Lists for Fire Medic and Senior Police Officer.
- 51. Authorizing Finance Director to issue checks on the registers of February 26, 2004 and March 4, 2004; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 23 and March 1, 2004; and to draw checks for biweekly payroll due employees of City on March 5, 2004.

ORDINANCES - FINAL CONSIDERATION

- 52. On vacation of portions of Vale Street, Railroad Court, Railroad Avenue, SE 24th Court and SE 25th Street.
- 53. On vacation of portions of SW 28th Court, SW 28th Street, SW 30th Street, and Littell Avenue, between previously vacated Army Post Road and Relocated Army Post Road.

ORDINANCES - SECOND CONSIDERATION

- 54. Amending Section 114-3203 of the Municipal Code to place a “Police Only” parking restriction near 611 Forest Avenue.

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

ORDINANCES - FIRST CONSIDERATION

- 55. Amending Sections 26-1120 and 26-1152 regarding permits related to sewer construction.

[\(Council Communication No. 04-088\)](#)

(A) Final consideration of ordinance above, (waiver requested by Community Development Director), requires six votes.

56. Amending Chapter 42 of the Municipal Code regarding nuisance abatement process and procedure.

(A) Final consideration of ordinance above, requires 6 votes.

57. NUMBER NOT USED.

COMMUNICATIONS/REPORTS

58. From Jan DeBartolo, 312 6th Avenue, requesting sign change in loading zone on 6th Avenue between Locust and Walnut Streets.

59. From Beth Wilson regarding culture in Des Moines.

HEARINGS

60. On Urban Renewal Purchase Agreement and sale of property to Neighborhood Development Corporation, to develop Wherry Block Building, 1600 6th Avenue and adjacent land.

[\(Council Communication No. 04-097\)](#)

61. On proposal to reallocate \$1,500,000 of unspent proceeds of the Aviation System Revenue Bonds, Series 1998.

[\(Council Communication No. 04-081\)](#)

(A) Authorization for additional actions.

62. On Supplement No. 15 to the governmental lease-purchase master agreement with Banc of America Leasing & Capital, LLC, for acquiring five automated refuse trucks, not to exceed \$725,000.

[\(Council Communication No. 04-083\)](#)

(A) Authorization for additional actions.

63. On vacation of the East/West alley right-of-way in the block bounded by E. Grand and Des Moines Street and by E. 4th and E. 5th Street.

(A) First consideration of ordinance above.

- (B) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.
- 64. On appeal from Donald R. Hay, 1160 E. Aurora Avenue, regarding recommended denial of a Limousine License.

APPROVING

- 65. Recommendation of City Council Employee Evaluation Sub-Committee regarding City Manager.
- 66. Recommendation of City Council Employee Evaluation Sub-Committee regarding City Attorney.
- 67. Recommendation of City Council Employee Evaluation Sub-Committee regarding Human Rights Director.
- 68. Recommendation of City Council Employee Evaluation Sub-Committee regarding City Clerk.
- 69. Neighborhood Finance Corporation Program changes to Rehabilitation Loan Program and Program Lending Areas.

[\(Council Communication No. 04-099\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

HEARINGS

- 1. On resolution to demolish and remove dangerous garage structure or to determine appropriate equitable action to be taken at 613 Porter; Titleholder: EMC Mortgage Corporation.

AUTHORIZING

- 2. Court Authority to abate the public nuisance at the following locations:

- (A) 1238 13th Street (vacant), Titleholder: Morgan Stanley Dean Witter Mortgage Capital, Inc.
- (B) 20 E. Diehl (vacant), Titleholders: Darrell H. and Sharon L. Lovell.
- (C) 4120 E. Euclid (vacant), Titleholder: The Estate of Seymone M. Chunn-Bibbins; Mortgage Holders: Bank of America and Federal Employees Credit Union.

COMMUNICATION

- 3. Communication regarding demolition cost reserve held by State Farm Insurance Companies for the fire damaged structure located at 1218 Virginia.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003