

DES MOINES CITY COUNCIL MEETING

April 5, 2004 4:30 P.M.

PROCLAMATIONS

Paralyzed American Veterans

Fair Housing Month

SPECIAL RECOGNITION

Des Moines Business Publications (Certificate of Appreciation)

Special Soccer Recognition

INVOCATION: Council Member Tom Vlassis

- 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 41:

LICENSES AND PERMITS

- 4. Approving the following Alcoholic Beverage License applications:

NEW APPLICATIONS

| | | | |
|-----|----------------------------|----------------------|----------|
| (A) | GREAT MIDWESTERN CAFE | 909 ROBERT D. RAY DR | C Liquor |
| (B) | LAOTIAN LEGION SUB & SALAD | 1810 2ND AVE | C Beer |
| (C) | TROPIK | 3015 MERLE HAY ROAD | C Liquor |

RENEWAL APPLICATIONS

| | | | |
|-----|----------------------------|-----------------------|-------------|
| (D) | ALPINE TAP ROOM | 2720 INGERSOLL AVE | C Liquor |
| (E) | BASIL PROSPERI | 407 E 5TH ST | B Wine |
| (F) | FAMOUS DAVES | 4351 MERLE HAY RD | C Liquor |
| (G) | GREENWOOD LOUNGE | 3707 INGERSOLL AVENUE | C Liquor |
| (H) | H & A MINI MART | 5901 FLEUR DR | C Beer |
| (I) | HY VEE FOOD STORE #2 | 2540 E EUCLID AVE | E Liquor |
| (J) | JAVA JOES COFFEEHOUSE | 214 4TH ST | C Beer/Wine |
| (K) | JOHNNYS ITALIAN STEAKHOUSE | 6800 FLEUR DR | B Liquor |
| (L) | KUM & GO #120 | 101 ARMY POST RD | C Beer |
| (M) | KUM & GO #130 | 2930 HICKMAN RD | C Beer |
| (N) | KUM & GO #142 | 4140 PARK AVE | C Beer |
| (O) | KUM & GO #194 | 4001 SW 9TH ST | C Beer |
| (P) | KUM & GO #195 | 5000 SW 9TH ST | C Beer |
| (Q) | LAST STOP BEVERAGE SHOP | 2839 E UNIVERSITY AVE | E Liquor |
| (R) | NEW ORIENTAL FOOD STORE | 515 E GRAND AVE | C Beer |
| (S) | PICOLLO | 3719 BEAVER AVENUE | C Liquor |
| (T) | SCORNOVACCAS PIZZA | 1930 SE 14TH ST | C Liquor |
| (U) | SILVESTRINIS PIZZA | 5418 DOUGLAS AVE | C Beer/Wine |
| (V) | VIENTIANE RESTAURANT | 901 E EUCLID AVE | B Beer |

OUTDOOR SERVICE APPLICATIONS

| | | | |
|-----|-----------|--------------------|----------|
| (W) | MARGARETS | 3020 FOREST AVENUE | C Liquor |
|-----|-----------|--------------------|----------|

TEMPORARY IN CONJUNCTION WITH DRAKE RELAYS – EFFECTIVE APRIL 21, 2004 TO APRIL 25, 2004. PENDING APPROVAL FROM BUILDING, ELECTRICAL AND FIRE DEPARTMENTS.

| | | | |
|-----|-------------------------|---------------------|----------|
| (X) | UNIVERSITY LIBRARY CAFE | 3506 UNIVERSITY AVE | C Liquor |
|-----|-------------------------|---------------------|----------|

TEMPORARY IN CONJUNCTION WITH DRAKE RELAYS – EFFECTIVE APRIL 20, 2004 TO APRIL 24, 2004. PENDING APPROVAL FROM THE FIRE DEPARTMENT.

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:
 - (A) Botanical Center and Police Station Underground Fuel Tanks – Receiving of Bids, (4-27-04), and Setting Date of Hearing, (5-3-04), (Construction Estimate - \$97,800).
 - (B) E. 20th Street Connector Trunk Sewer – Receiving of Bids, (4-27-04), and Setting Date of Hearing, (5-3-04), (Construction Estimate - \$3,874,200).
 - (C) University Avenue Bridge over the Des Moines River Rehabilitation Project – Receiving of Bids by IDOT (4-20-04), and Setting Date of Hearing, (5-3-04).

6. Approving Professional Services Agreement for the following:
 - (A) Design Services for Clover Hill Trunk Sanitary Sewer with Howard R. Green Company (Ralph Russell, President, DSM), \$398,500.

[\(Council Communication No. 04-167\)](#)
 - (B) Design and Construction Phase Services for Skywalk 8C-8D with Herbert Lewis Kruse Blunck Architecture, Ltd. (Kirk Blunck, President, DSM), \$94,100.

[\(Council Communication No. 04-168\)](#)

7. Items regarding the 5th and Walnut Parking Garage:
 - (A) Approving contract with Cramer & Associates, Inc., for emergency shoring, \$4,422.35.
 - (B) Approving contract with Western Waterproofing Co., Inc. for post-tensioning repair, \$14,754.
 - (C) Approving Professional Services Agreement with Shuck-Britson, Inc. for structural evaluation, not to exceed \$18,000.

[\(Council Communication No. 04-171\)](#)

8. Items regarding the 2002/2003 Sidewalk Program:
 - (A) Accepting completed construction and approving final payment to Eco-Tech Construction LLC.
 - (B) SE 8th Street sidewalk from E. Watrous to E. Miller:
 - (1) Accepting work and ordering preparation of plat and schedule of assessments.
 - (2) Adopting and levying final schedule of assessments, and providing for payment.

- (C) SE 14th Street sidewalk from E. Thornton Avenue to E. McKinley Avenue:
 - (1) Accepting work and ordering preparation of plat and schedule of assessments.
 - (2) Adopting and levying final schedule of assessments and providing for payment.

- 9. Communication from Jensen Construction Co. and United Contractors, Inc., A Joint Venture requesting permission to sublet on M.L. King Jr. Parkway and Fleur Drive Intersection/Bridges Combined Project.

- 10. Approving Contract and Bond for the following:
 - (A) Hydro-Klean, Inc. (Becky Merial, President, DSM) for construction of 2004 Sanitary Sewer Televising Program Contract 1, \$11,768.
 - (B) Johnson Concrete & Petroleum Const. Inc. (Robert L. Johnson, President, DSM) for construction of Aquatic Center Shade Structures, \$20,714.

- 11. Approving the following Private Construction Contracts:
 - (A) Sanitary Sewer Improvements to service McKinley Townhomes, 936 McKinley Avenue between McAninch Corporation (Douglas D. McAninch, President, WDM, Contractor), and Triton Homes, Inc. (Joel Goodman, Member, Ames, Owner).
 - (B) Sanitary Sewer Improvements to service proposed Woods on the River, Plat 7 near Grand River Drive and King Avenue between The Underground Company, Ltd. (Duane J. Burkhardt, President, DSM, Contractor) and Clarke Company, Ltd. (John J. Clarke, Partner, DSM, Owner).
 - (C) Storm Sewer Improvements to service proposed Woods on the River, Plat 7 near Grand River Drive and King Avenue between The Underground Company, Ltd. (Duane J. Burkhardt, President, DSM, Contractor) and Clarke Company, Ltd. (John J. Clarke, Partner, DSM, Owner).

- 12. Authorization to proceed on various City-Wide Stormwater Utility Projects for four (4) locations.

[\(Council Communication No. 04-169\)](#)

13. Accepting completed construction and approving final payment for the Greater Des Moines Softball Park, Contract 2.

SPECIAL ASSESSMENTS

14. Approving correction of sidewalk assessment for 1707 Euclid Avenue.
15. Approving deletion of special assessments at various locations on Schedules 2002-04 and 1992-06.
16. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:
 - (A) Schedule No. 2004-05.
 - (B) Schedule No. 2004-27.
 - (C) Schedule No. 2004-53.
 - (D) Schedule No. 2004-77.

LAND/PROPERTY TRANSACTIONS

17. Approve and accept real estate documents for property at 2110 East University Avenue, for the Deans Lake Outlet Storm Sewer Project, \$1 plus closing costs.
18. Approve and accept real estate documents for property at 2229 Bennett Avenue and 37th Street and Washington Avenue for the Closes Creek Storm Water Improvement Project, \$50 plus closing costs.
19. Approving reduction of the following Subdivision Bonds as security for sidewalk improvements:
 - (A) No. IAC 25954 in amount of \$74,976 to be reduced to \$37,488 as security for satisfactory completion of the remaining improvements for EASTER LAKE POINTE PLAT 2.
 - (B) No. IAC 29969 in amount of \$75,048 to be reduced to \$18,762 as security for satisfactory completion of the remaining improvement for EASTER LAKE SOUTH PLAT 1.
 - (C) No. IAC 29968 in amount of \$33,708 to be reduced to \$8,427 as security for satisfactory completion of the remaining improvements for PARK PLACE ESTATES PLAT 1.

BOARDS/COMMISSIONS/NEIGHBORHOODS

20. Recommendation of Mayor Frank Cownie to appoint Anthony Montgomery to Seat 1 on the Housing Appeals Board for a three year term commencing March 16, 2003 to expire March 16, 2006.
21. Recommendation of Mayor Frank Cownie to reappoint Neva Wells to Seat 7 on the Civil Service Commission for a four year term commencing April 1, 2004 to expire April 1, 2008.
22. Recommendation of Mayor Frank Cownie to appoint Gregory Wattier to Seat 15 on the Licensing and Appeals Board for a three year term commencing April 1, 2002 to expire April 1, 2005.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

23. Approving payment of \$615.93 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Gerald Lovejoy in case Maria Garces v. Gerald Roger Lovejoy.
24. Approving payment of \$421.87 to Hall & Associates for legal services in dealing with Iowa Department of Natural Resources in issuance of a National Pollution Discharge Elimination System permit for Wastewater Reclamation Authority Treatment Plant.
25. Approving payments of \$610.01 from law firm of Myers & Jenkins and \$239.50 from law firm of Tishler & Wald, Ltd. for outside counsel to represent the City in the UAL Corporation bankruptcy, (Total - \$849.51).

CITY MANAGER COMMUNICATIONS

26. Regarding proposed economic development loan to Lighthouse Communications, Inc. (Jim Masterson, CEO, 666 Walnut, Suite 1900, DSM).

[\(Council Communication No. 04-159\)](#)

27. Recommending that the quorum requirement for a meeting of the ten (10) member Historic Preservation Commission be reduced from six (6) members currently required to five (5) members to permit the Historic Preservation Commission to more easily achieve a quorum.

[\(Council Communication No. 04-165\)](#)

28. Submitting various traffic regulation changes as follows:
- (A) Parking Meter Changes-North Side of Walnut Street between 12th Street and 13th Street.
 - (B) Corner Clearance-West Side of Fourth Street, South of Park Street.

[\(Council Communication No. 04-166\)](#)

29. Submitting out-of-state travel for Kristen Tuttle and Bill Miller.

[\(Council Communication No. 04-156\)](#)

APPROVING

30. Reallocation of \$50,000 of unexpended Weed & Seed funding for the Weed and Seed Creative Drama Program to be conducted by the Des Moines Playhouse.

[\(Council Communication No. 04-158\)](#)

31. Urban Renewal Development Agreement with East Village Partners, L.L.C. and proposed Conceptual Development Plan for redevelopment of 412 and 418 E. Locust Street.

[\(Council Communication No. 04-163\)](#)

32. U.S. Fish & Wildlife Service seed donation for use in Urban Prairie Project.

[\(Council Communication No. 04-170\)](#)

33. First Amendment to the Chapter 28E Agreement “Grounds Maintenance Alliance” with Board of Water Works Trustees, where City will assume grounds maintenance services provided by Water Works, effective April 1, 2004.

[\(Council Communication No. 04-162\)](#)

34. Recommendation of Landmark Review Board to issue Certificate of Appropriateness for proposed archway and improvements to southwest entrance of Woodland Cemetery.

[\(Council Communication No. 04-164\)](#)

35. City Manager to appoint staff members to serve on the Neighborhood Development Corporation (NDC) Board of Directors as needed.
36. Receipt of the Legislative Update of the 80th Iowa General Assembly.
37. Bids from the following:
 - (A) Charles Gabus Ford for three trucks, \$61,692.62 and Wright Chevrolet for one truck, \$79,013 to be used by Public Works Department and Street Maintenance Division. (Twelve bids mailed, six bids received).
 - (B) Northland Products Company for an annual contract with two additional one-year renewal options for lubricants. (Eight bids mailed, five bids received).
38. Authorizing Finance Director to issue checks on the registers of April 8 and April 15, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of April 5 and April 12, 2004; and to draw checks for biweekly payroll due employees on April 16, 2004.

ORDINANCES - FINAL CONSIDERATION

39. Amending Chapter 102 of the Municipal Code regarding Street Use Events and Parades, as amended.
 - (A) Amending the schedule of fees.

ORDINANCES - SECOND CONSIDERATION

40. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) One-Sided Parking Restriction – Lakewood Cove Plats I and II.
 - (B) Commercial Loading Zone – South Side of Grand Avenue-west of 13th Street.

41. Items regarding rezoning of the following areas from “M-1” (Light Industrial) to “D-R” (Downtown Riverfront):
- (A) Area generally bounded by Raccoon and Allen Streets on the north, Scott Avenue on the south, SE 4th Street on the East and SE 2nd and SE 3rd Streets on the west.
 - (B) Area generally bounded by Interstate 235 on the north, Des Moines Street on the south, E. 4th Street on the east, and Robert D. Ray Drive on the west.

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

ORDINANCES - FIRST CONSIDERATION

42. Amending Chapter 22 of the Municipal Code regarding adoption of regulations by the Des Moines International Airport Board.
- (A) Final consideration of ordinance above, (waiver requested by the Legal Department), requires 6 votes.
43. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) Parking Restriction Modifications due to the reconstruction of Park Street.
 - (B) Designation of Aurora Avenue as a Three-Lane Roadway from Beaver Avenue to Merle Hay Road.
 - (C) Parking Restriction Modification – 41st Street between University Avenue and Forest Avenue.
 - (D) Removal of Rush-Hour Restriction-6th Avenue between Locust Street and Walnut Street.
 - (E) Extension of Parking Restriction-South Side of East Fleming Avenue, East of East 14th Street.

COMMUNICATIONS/REPORTS

44. From Ted Weber, 9667 South 20th Street, Oak Creek, Wisconsin regarding the use of State contracts.

HEARINGS (Opened at _____ P.M.) (Items 45 thru 51)

45. On appeal from Raymond Surber, 415 N. Division Street, Stuart, IA, regarding recommended denial of a Taxicab License.
46. On Parking License Agreement with Federal Home Loan Bank of Des Moines (FHLB) for spaces in the Ninth and Locust Parking Garage.
47. On request from RM Madden Construction, Inc., to rezone property at 26 E. Hartford Avenue from Ltd “C-1” (Neighborhood Retail Commercial) to “R-3” (Multiple-Family Residential), to allow residential mortgage financing of single-family and two-family dwelling development.
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
48. On request from Mercy Medical Center, to rezone property at 1111-6th Avenue, from “C-2” (General Retail and Highway Oriented Commercial) “C-0” (Commercial-Residential) and “R-4” (Multiple-Family Residential), to PUD.
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
49. On 2004 Tennis Court Resurfacing Program: Resolution approving plans, specifications, form of contract documents, Engineers estimate and designating lowest responsible bidder as Blacktop Repair Service, Inc., (Patricia J. Hicks, President), \$30,920.
 - (A) Approving contract and bond.

50. On University Avenue Median Modifications at 2nd Avenue: Resolution approving plans, specifications, form of contract documents, Engineers estimate and designating lowest responsible bidder as Johnson Concrete & Petroleum Const., Inc., (Robert L. Johnson, President), \$36,466.40.

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

51. On Union Park Water Playground: Resolution approving plans, specifications, form of contract documents, Engineers estimate and designating lowest responsible bidder as Buchanan Builders, Inc., (Todd Buchanan, President), \$348,247.

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

APPROVING

52. Addendum to Intergovernmental 28E Agreement with Des Moines Independent Community School District for construction, maintenance and operation of Brody Middle School Park.

[\(Council Communication No. 04-160\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. Court authority to abate the public nuisance at 1631 9th Street (vacant), Titleholder: The Wolford Corporation; Contract Buyer: Robert N. Vranesh.
2. The Engineering Department to remove the following structures:
 - (A) 1533 21st Street, Titleholder: The 1533 21st Land Trust; Tax Certificate Holder: Z Fin30.
 - (B) 1626 23rd Street, Titleholder: 5917 Tonka, LLC; Tax Certificate Holder: Mooring Tax Asset Group.
 - (C) 930 39th Street, Titleholders: Jack and Mary Stuart; Mortgage Holder: U.S. Bank National Association; Tax Certificate Holder: Li/US Bank.
 - (D) 3125 Scott Avenue, Titleholder: Virginia L. Rinard; Contract Buyers: Cathy and Robert Neil Leader.
 - (E) 4616 S. Union Street, Titleholder: The Wolford Corporation; Mortgage Holder: First National Acceptance Company.

COMMUNICATION

3. Communication regarding demolition cost reserve being held by State Farm Insurance Companies for the fire-damaged structure located at 3420 3rd Street.
4. Communication regarding demolition cost reserve being held by State Farm Insurance Companies for the fire-damaged structure located at 2552 E. Grand Avenue.

MOTION TO ADJOURN AT _____ P.M.

All-America City
1949 1976 1981 2003