

DES MOINES CITY COUNCIL MEETING

April 21, 2003 4:30 P.M.

PROCLAMATIONS - 4:15 P.M.:

- (A) Administrative Professionals Week/Administrative Professionals Day
- (B) Arbor Day
- (C) Holocaust Survivor Day
- (D) National Volunteer Week
- (E) Personal Information Protection Week & Clean Out Your Files Week
- (F) Rebuilding Together Day
- (G) Youth Service Day

INVOCATION: Rev. William Steward, Grace United Methodist 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 63:

LICENSES AND PERMITS:

Approving

4. The following Beer/Liquor Applications:

NEW APPLICATIONS

- (1) Davis Concessions, 2601 Hubbell Avenue, B Beer.
- (2) Sidhu Food Mart, 4503 Fleur Drive, C Beer.
- (3) Snaco, 3000 SW 9th Street, C Beer.
- (4) Sands Volleyball Club, 6214 Grand Avenue, C Liquor.

RENEWAL APPLICATIONS

- (5) Kum & Go #130, 2930 Hickman Rd., C Beer.
- (6) La Tapatia, 1440 Des Moines Street, C Beer.
- (7) Last Stop Beverage Shop, 2839 E University Avenue, C Beer.
- (8) QuikTrip #515, 1421 Ingersoll Avenue, C Beer.
- (9) Barattas Restaurant, 2320 South Union, C Liquor.
- (10) Bourbon Street, 500 Army Post Rd., C Liquor.
- (11) Des Moines Art Center Restaurant, 4700 Grand Avenue, C Liquor.
- (12) Des Moines Yacht Club, 2617 Ingersoll Avenue, C Liquor.
- (13) Genes Place, 2117 E University Avenue, C Liquor.
- (14) Gerris, 232 E 30th Street, C Liquor.
- (15) Papas Planet, 206 3rd Street, C Liquor.
- (16) R & R Lounge, 1018 E 12th Street, C Liquor.
- (17) Scornovaccas Pizza, 1930 SE 14th Street, C Liquor.
- (18) Tim Flanagans Restaurant, 2120 Ingersoll Avenue, C Liquor.
- (19) Last Stop Beverage Shop, 2839 E University Avenue, B Wine.
- (20) QuikTrip #515, 1421 Ingersoll Avenue, B Wine.
- (21) Hy Vee Food Store #2, 2540 E Euclid Avenue, E Liquor.

(22) Last Stop Beverage Shop, 2839 E University Avenue, E Liquor.

OUTDOOR SERVICE APPLICATIONS

(23) Des Moines Botanical Center, 909 E Riverside Drive, C Liquor. Adding outdoor service area to existing license.

(24) Peggys Tavern, 3020 Forest Avenue, C Liquor. Temporary outdoor service area effective May 9 and May 10, 2003. Pending Building, Electrical and Fire inspections.

(25) Court Avenue Brewing, 309 Court Avenue. Temporary outdoor service area for the Blues Challenge on May 17, 2003. Pending Building, Electrical, Zoning and Fire inspections.

PUBLIC IMPROVEMENTS

5. Resolution Ordering Construction of the following:

(A) WRF Skylights Replacement, Receiving of Bids, (5-13-03), and Setting Date of Hearing, (5-19-03). Construction Estimate, \$90,830.

(B) 2003/2003 Sidewalk Program, Receiving of Bids, (5-13-03), and Setting Date of Hearing, (5-19-03). Construction Estimate, \$103,653.

6. Approving agreement with Iowa Department of Transportation for 30th Street and Hickman Road Traffic Signal Replacement.

[\(Council Communication No. 03-180\)](#)

7. Approving professional services agreements with the following:

(A) Kirkham Michael Consulting Engineers (Ronald D. Less, President, Omaha, NE) for Clark Street Sanitary Pump Station, \$269,951.21.

[\(Council Communication No. 03-187\)](#)

(B) Brown & Caldwell Environmental Engineers & Consultants (Craig A. Goehring, CEO, St. Paul, MN) for the WRA Secondary Treatment Aeration System Improvements preliminary design, \$81,280.

[\(Council Communication No. 03-188\)](#)

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

(A) Des Moines Metropolitan Wastewater Reclamation Facility Grit Handling System

Improvements, \$4,568.54 due now and \$170,244.33 at the end of thirty days.

(B) Masonic Temple Sidewalk Reconstruction, \$2,623.67 due now and \$8,359.81 at the end of thirty days.

9. Approving the following private construction contracts for Hillsboro Phase 3:

(A) Paving Improvements, between Manatt's Inc. (Bradford Manatt, President, Johnston, Contractor) and Jerry's Homes (Ronald R. Grubb, President, Urbandale, Owner).

(B) Storm Sewer Improvements, between McAninch Corporation (Douglas D. McAninch, President, WDM, Contractor) and Jerry's Homes (Ronald R. Grubb, President, Urbandale, Owner).

10. Approving completion and recommending acceptance of private construction contract between McAninch Corporation (Dwayne McAninch, President, WDSM), Contractor and Fred Nesbit Distributing Company (Fred Nesbit, President, DSM), Owner for construction of Storm Sewer Improvements at Fitz Gold Company, 1801 DeWolf Street.

11. Approving contract and bond for a Public Improvement, estimated cost of which is less than \$25,000 - Nahas Aquatic Center Filter Backwash Treatment, (\$4,950).

SPECIAL ASSESSMENTS

12. Authorizing City Manager to proceed with Sidewalk Program/Request to Repair Driveway petition, waiver signed by one property owner.

LAND/PROPERTY TRANSACTIONS

13. Authorize payment of Condemnation Award for the acquisition of property located at 1501 Ingersoll Avenue for the 15th Street Corridor Project, \$58,000 and \$5,000 attorney fees plus sheriff's fees and jury expenses.

14. Authorize payment of Condemnation Award for the partial acquisition of 5407 SW 9th Street for the SW 9th Street Widening at Porter Avenue Project, \$500 plus sheriff's fees and jury expenses.

15. Authorize payment of Condemnation Award for the permanent easement for traffic signal and street lighting system at 3801 Merle Hay Road for the Merle Hay Road at Douglas Avenue Traffic Signal Project.

16. Approving real estate Donation Agreement and Warranty Deed from Paul E. Woodward and Betty A. Woodward for land adjacent to Woodland Cemetery located in 900 block of Martin

Luther King Jr. Parkway, closing costs only.

17. Approve and accept real estate documents for property for the WRA Biosolids Storage Facility Project, closing costs only.

18. Approve and accept real estate documents for property located at 6490 SW 28th Court, for the South Cargo Apron Expansion and Storm Water Detention Project, \$131,688 plus closing costs.

19. Approve and accept real estate documents for property located at SW 9th Street and Spring Street for the SW 9th Street Bridge at Yeader Creek Project, \$1 plus closing costs.

20. Approve and accept real estate documents for property located at 3411 Hubbell Avenue for the Gay Lea Wilson Recreational Trail Project, \$3,375 plus closing costs.

21. Approve and accept real estate documents for property for the Closes Creek Storm Water Improvement Project (2329, 2339 Bennett Avenue and 2509 Mann Avenue), \$863 plus closing costs.

22. Establishing fair market value and authorizing acquisition of property: (2552, 2550, 2544 & 2546 East Railroad, 901 & 903 SE 25th Court, 2553 Vale Street, 906, 1101 SE 26th Court, 2572 and 2552 Harriett Street) for the WRA Biosolids Storage Facility Project, \$549,000 plus closing costs.

23. Establishing fair market value and authorizing acquisition of property located at 1412 SE 37th Street for the Agrimergent Technology Park Project, \$100,000 plus closing costs.

24. Establishing fair market value and authorizing acquisition of property located at 1613 East 18th Street for the Guthrie Avenue Business Park Project, \$37,000 plus closing costs.

25. Establishing fair market value and authorizing acquisition of property located at 230 and 234 East Grand Avenue for the Gateway East Project, \$550,000 plus closing costs.

[\(Council Communication No. 03-176\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

26. Recommendation of Council Member At-Large Frank Cownie to reappoint Dusty Isaacson to Seat 2 on the Citizen Odor Board for a three year term commencing April 1, 2003 to expire April 1, 2006.

27. Recommendation of Mayor Preston Daniels to reappoint Robert G. Riley, Jr. to Seat 4 on the Water Works Board of Trustees for a six year term commencing April 1, 2003 to expire April 1, 2009.

28. Recommendation of Mayor Preston Daniels to reappoint the following to the Civil Service Commission:

(A) Wayne R. Graham - Seat 2 for a four year term commencing April 1, 2003 to expire April 1, 2007.

(B) Michael Tonini - Seat 6 for a four year term commencing April 1, 2003 to expire April 1, 2007.

29. Recommendation of Council Member Mike McPherson to reappoint David Miller to Seat 12 on Licensing & Appeals Board for a three year term commencing April 1, 2002 to expire April 1, 2005.

30. Recommendation of Council Member Tom Vlassis to reappoint Judi Isaacson to Seat 4 on the Citizen Odor Board for a three year term commencing April 1, 2003 to expire April 1, 2006.

STREET CLOSURES

31. Approving recommendation of Street Use Team (SUT) to close the following streets:

(1) Steve Waymire, representing Des Moines Police Department, requesting permission to close Court Avenue Bridge from E. 1st Street to Riverside Drive from 6:00 AM to 1:00 PM on Saturday, May 17, 2003 for National Police Week Display.

SETTING DATE OF HEARINGS

32. On a proposal to release an Easement for Sanitary Sewer Right-of-Way upon portion of Lots 1, 2, 3, 5, and 6 in Brook Run Village Plat 4 in vicinity of 5221 Village Run Avenue, (5-5-03).

33. On vacation and conveyance of a portion of the Kingman Boulevard street right-of-way, to Loyd W. Ogle, \$50, (5-5-03).

34. On the following items, to correct errors in legal descriptions when previously approved:

(A) On vacation and conveyance of a portion of E. Court Avenue and E. 7th Street right-of-way to Hamms-Des Moines Company, \$13,620, (5-5-03).

(B) On vacation and conveyance of a portion of E. Court Avenue right-of-way at 601 E. Court to Blue Plans Credit Union, \$4,250, (5-5-03).

35. On request from Todd Adamson, to rezone property at 3210 Hubbell, from "R1-60" (One Family Low Density Residential) to Ltd. "C-1" (Neighborhood Retail Commercial) with only "C-0" (Commercial-Residential) uses and other restrictions, (5-5-03).

36. On request from Clarke Company Ltd., for amendment to the Riverwoods PUD Concept Plan for property at 2501 SE 22nd Street, to eliminate 300 apartment units planned for Area "C" and to show a maximum of 125 single family lots, each a minimum 50' wide, (5-5-03).

37. On request from Property Concepts Group, to rezone property at 2147 High Street, from "R-2A" (General Residential) to "R-4" (Multiple Family Residential) to allow reuse of existing residential structure for a ten-unit elderly living apartment, (Plan and Zoning Commission recommends DENIAL), (5-5-03).

38. On request from Anderson-Erickson Dairy Company, for amendment to the PUD Concept Plan for property at 2230 Hubbell Avenue, to allow expansion of existing cold storage facility subject to conditions, (5-5-03).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

39. Approving payment of \$7,913.75 to Spiegel & McDiarmid Law Firm for services in conjunction with the Brownfields Showcase Community, Riverpoint West Redevelopment and related matters.

40. Approving payment of \$1,242 to Sullivan & Ward, P.C. for services related to National Pollution Discharge Elimination System Permit (NPDES), environmental issues in lease and use agreements.

CITY MANAGER COMMUNICATIONS

41. Submitting out-of-state travel requests for Tom Vlassis, Eric Anderson, Allan Tunks and Garey Bryan.

[\(Council Communication No. 03-175\)](#)

APPROVING

42. Negotiation of Intergovernmental 28E Agreement with Des Moines Public Schools on construction, maintenance and operation of Brody Community School Park.

[\(Council Communication No. 03-184\)](#)

43. Receipt of City of Des Moines Financial Report for nine months ended March 31, 2003.

[\(Council Communication No. 03-190\)](#)

44. Receipt of Quarterly Treasurer's Report as of March 31, 2003.

45. Temporary suspension of enforcement of the Zoning Ordinance as applied to signage within the area impacted by the closure of Grand Avenue.

46. Authorizing issuance of Certificate of Completion for development of the Masonic Temple Building.

[\(Council Communication No. 03-177\)](#)

47. Authorizing pre-payment of Supplement No. 1 to the Governmental Lease-purchase Master Agreement with Banc of America Leasing & Capital, LLC, in conjunction with Stormwater Management Utility Revenue Bonds, Series 2003B.

[\(Council Communication No. 03-178\)](#)

48. Opposition of annexation by the City of Carlisle, of any land west of Highway 65.

49. Request from Downtown Community Alliance to display 16 banners in downtown Des Moines on Locust Street on behalf of Meredith Corporation, effective April 2003 and to remain up through the remainder of the year.

50. Iowa Department of Cultural Affairs Cultural Enrichment Grant (CEG) to support operations of Botanical Center, \$4,160.

[\(Council Communication No. 03-185\)](#)

51. Communication from City Manager regarding residential rehabilitation project in downtown (94 apartments at 110 and 112-10th Street), proposed by The Massman Group, LLC.

[\(Council Communication No. 03-183\)](#)

(A) The Massman Group, L.L.C. application for Enterprise Zone Benefits for a project in the Gateway Enterprise Zone.

52. Termination of Site Lease and Bill of Sale Agreement with Claircom Communications Group, Inc., d/b/a AT&T Wireless Services, Aviation Communications Division.

[\(Council Communication No. 03-186\)](#)

53. Storefront venues, artists, artwork and artist's compensation for the Storefront Art Project.

[\(Council Communication No. 03-191\)](#)

54. Orchard Place Mural Public Art Commission Project at 8th and High Streets, \$20,000.

[\(Council Communication No. 03-189\)](#)

55. Notice of Funding Availability (NOFA) for Downtown Youth Services for the PY2003 CDBG Action Plan.

[\(Council Communication No. 03-182\)](#)

56. Legislative Update for the 80th Iowa General Assembly.

57. Retention of Mercy School of Medical Services, for provision of EMT-P training for Fire Department employees.

58. Approving bids for the following:

(A) Motorola Inc. (Schaumburg, IL) for radio equipment to be used by the Police Department per State of Iowa Contract number CT1199MV, \$64,646.70.

(B) A+ Lawn & Landscape (Mark Harpenau, President, Ankeny) for an annual contract with two additional one year renewal options to furnish mowing and trimming services at Woodland, Simms and Oak Grove Cemeteries, \$45,360. (Twelve bids mailed, three received).

(C) A-1 Ready Mix (Pete Peterson, President, 4000 Delaware), American Concrete Products (Scott Temple, President, Johnston) and Norwalk Ready Mix (Jack Bohlender, President) for an annual contract for primary and secondary suppliers to furnish portland cement concrete products. (Six bids mailed, three received).

59. Authorizing Finance Director to issue checks on the registers of April 25 and May 2, 2003; for the bills of the Des Moines Municipal Housing Agency for the weeks of April 21 and April 28, 2003; and for bi-weekly payroll due on May 2, 2003.

ORDINANCES - FINAL CONSIDERATION

60. Amending Chapter 26 of the Municipal Code regarding Neighborhood Inspection Rental Code and Residential Public Nuisance Code.

(A) Approving amendment to the Schedule of Fees.

(B) Approving amendment to the Schedule of Administrative Penalties.

61. On rezoning of property at 6222 SW 12th Street from "R1-60" (One Family Low Density Residential District) to Ltd. "R-2" (One and Two Family Residential), (requires 6 votes for passage).

ORDINANCES - SECOND CONSIDERATION

62. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes for Ingersoll Avenue to implement left-turn lanes at 28th, 31st, 35th, and 42nd Streets and an inbound bus lane between 42nd Street and Martin Luther King Jr. Parkway.

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

- (1) One-Sided Parking Restriction--Easter Lake Cove Plat I.
- (2) One-Sided Parking Restriction--Hillsboro Plat I.
- (3) One-Sided Parking Restriction--Stanton Acres Plat II.
- (4) One-Sided Parking Restriction--Woods On The River Plat V.
- (5) One-Sided Parking Restriction--Meadowlands Plat I.
- (6) One-Sided Parking Restriction--Airport Business Park Plat I and II.
- (7) One-Sided Parking Restriction--Airport Commerce Park Plat I.
- (8) Corner Clearance--South Side of Clarkson Avenue, West of Martin Luther King Jr. Parkway.
- (9) Corner Clearance--West Side of 36th Street, South of Douglas Avenue.
- (10) Corner Clearance--North Side of Evans Street, East of SW 13th Street.
- (11) Corner Clearance--South Side of Indiana Avenue, West of 6th Avenue.
- (12) Corner Clearance--West Side of 40th Street, North of Franklin Avenue.
- (13) Allow Parking--South Side of Garfield Avenue, Adjacent to Martin Luther King Jr. Park.
- (14) Allow Two-Hour Parking--North Side of High Street, West of 15th Street.

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

ORDINANCES - FIRST CONSIDERATION

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

- (1) Allow Parking on the South Side of MTA Lane near MTA Offices for additional visitor parking.
- (2) Prohibition of Left Turns-Iowa Highway 5 at Interchanges of Fleur Drive and Iowa Highway 28.

COMMUNICATIONS/REPORTS

65. From Forest Avenue Planning Committee, requesting Council-initiated rezoning of a portion of Forest Avenue between Martin Luther King, Jr. Parkway and 25th Street from "C-2" (General Retail and Highway Oriented Commercial) to "NPC" (Neighborhood Pedestrian Commercial).

66. From Zoning Board of Adjustment, recommending on-street parking be removed from a segment of Washington Avenue, extending east from E. 33rd Street, adjacent to the medical clinic at 1607 E. 33rd.

67. From Thomas Mathews, 3808 Kingman Blvd, to speak regarding construction of Martin Luther King Parkway through Water Works Park.

68. From Christopher Hill, 2340 E. 38th Street, to speak regarding enforcement activities of the Neighborhood Inspection Division.

HEARINGS (Opened at _____ P.M.) (Items 69 thru 72)

69. On proposed rezoning of the property at 9201 US Highway 65/69, owned by AmerUs, from A-1 (Agricultural), to Ltd. "C-2" (General Retail and Highway Oriented Commercial District), to correct error in publication.

(A) First consideration of ordinance above.

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

70. On proposed rezoning of "Hubbell Tract", vicinity of 4200 E. Brooks Drive, from "U-1" (Floodplain) and "R1-80" (One Family Residential), to "PUD" (Planned Unit Development), and approve the PUD Conceptual Plan for the Iowa Primate Learning Sanctuary.

(A) First consideration of ordinance above.

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

71. On WRF Computer Room A/C Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Air-Con Mechanical Corporation (James Shaffer, Sr., President, DSM), \$24,098.

(A) Approving contract and bond.

72. On Grand Avenue Storm Sewer-M.L.King Jr. Parkway to 28th Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as KRI Company (Warren Rognes, President, Ames), \$284,676.

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

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

APPROVING

73. Items regarding Solid Waste Collection:

(A) First consideration of ordinance regarding proposed fee increase.

[\(Council Communication No. 03-192\)](#)

(B) Approving purchase of truck chassis and automated solid waste collection bodies, \$393,690.

[\(Council Communication No. 03-195\)](#)

(C) Approving purchase of rotary cart lifters, (flippers), \$37,716.30.

[\(Council Communication No. 03-193\)](#)

(D) Approving purchase of automated municipal solid waste containers.

[\(Council Communication No. 03-194\)](#)

(E) Setting date of hearing on Supplement No. 11 to the Governmental Lease-purchase Master Agreement with Banc of America Leasing & Capital, LLC, to acquire 3 automated refuse trucks, \$393,690, (5-5-03).

[\(Council Communication No. 03-179\)](#)

(F) Setting date of hearing on Supplement No. 12 to the Governmental Lease-purchase Master Agreement with Banc of America Leasing & Capital, LLC, to acquire 55,000 household refuse carts, \$2,200,000, (5-5-03).

[\(Council Communication No. 03-181\)](#)

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.

A G E N D A

BOARD OF HEALTH

April 21, 2003

MOTION TO CONVENE

AUTHORIZING

1. Court authority to abate the public nuisance at the following locations:

(A) 1618 Arlington Avenue (vacant) TITLEHOLDER: Michael L Wood; and LEGAL INTEREST HOLDERS: ESI 97C, Attn: Darren Wisniewski, and Centex Credit Corporation d/b/a Centex Home Equity Corporation, Attn: Chritine Odom, Assistant Vice President.

(B) NUMBER NOT USED.

(C) 1208 E. Washington Avenue (vacant) TITLEHOLDER: Associates First Capital Mortgage Corp, Attn: C T Corporation System, Registered Agent; and LEGAL INTEREST HOLDERS: R & S Investments, LLC, Attn: Matthew D. Kern, Registered Agent, and Z Fin 14, Attn: John Zajicek.

(D) 3716 SW 12th Street (vacant) TITLEHOLDER: GMAC Mortgage Corporation, Attn: C T Corporation System, Registered Agent.

(E) 1238 E. 16th Street (vacant) TITLEHOLDER: R & S Investments, LLC, Attn: Matthew D. Kern, Registered Agent; CONTRACT BUYERS: Randy A and Heather L. Rudolf; and LEGAL INTEREST HOLDERS: First National Acceptance Company of North America, Attn: Prentice Hall Corporation System, Registered Agent.

(F) 1901 E. 23rd Street (vacant) TITLEHOLDER: James F. Schaer d/b/a Schaer Investment, Co.

(G) 1211 E. 35th Street (vacant) TITLEHOLDER: Phillip L. Garrison.

(H) 930 39th Street (vacant) TITLEHOLDERS: Jack and Mary Stuart; and LEGAL INTEREST HOLDERS: LI/US Bank, Attn: Chris Newhouse; U. S. Bank National Association f/k/a Firststar Bank f/k/a Mercantile Bank of Western Iowa, Attn: C T Corporation System, Registered Agent; and U. S. Bank National Association f/k/a Mercantile Bank of Western Iowa f/k/a Mercantile Bank of Polk County f/k/a Hawkeye Bank of Des Moines, Attn: C T Corporation System, Registered Agent.

COMMUNICATION

2. Regarding demolition cost reserve escrowed by Leuwerke & Associates, Inc. policy number 51728474 for the structure located on the property at 1430 4th Street.

MOTION TO ADJOURN at _____ P.M.

Des Moines - City of Skywalks