

DES MOINES CITY COUNCIL MEETING

June 21, 2004 4:30 P.M.

SPECIAL PRESENTATIONS (4:00 P.M.)

Excellence in Historic Preservation Awards.

INVOCATION: Pastor Tony Thurston
College Avenue Christian 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 52:

LICENSES AND PERMITS

- 4. Approving the following applications for Alcoholic Beverage Licenses:

NEW APPLICATIONS

(A)	LA USULUTECA	2500 M L KING JR PKWY	B Beer
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RENEWAL APPLICATIONS

(B)	BEGGARS BANQUET	2306 UNIVERSITY AVE	B Beer
(C)	BLANK PARK ZOO	7401 SW 9TH STREET	C Liquor
(D)	CARLS PLACE	1620 WOODLAND AVE	C Liquor
(E)	CREATIVE CROISSANTS	5800 FLEUR	C Liquor
(F)	DAHLS FOODS	4121 FLEUR DR	E Liquor
(G)	DSM COMM PLAYHOUSE	831 42ND ST	C Liquor
(H)	DRUGTOWN WINE AND SPIRITS	4100 UNIVERSITY AVE	E Liquor
(I)	FAREWAY STORE #975	3000 SE 22ND ST	C Beer
(J)	HOLIDAY INN DOWNTOWN	1050 6TH AVE	B Liquor
(K)	HOTEL FORT DES MOINES	1000 WALNUT ST	B Liquor

(L)	HOUSE OF BRICKS	3839 MERLE HAY RD	C Liquor
(M)	HY VEE FOOD STORE #4	4707 FLEUR DR	E Liquor
(N)	HY VEE FOOD STORE #5	1107 E ARMY POST RD	E Liquor
(O)	KELLEYS	3606 BEAVER AVE	C Liquor
(P)	LA MIE BAKERY & REST	841 42ND ST	C Beer/Wine
(Q)	POLK CO CONVENTION	501 GRAND AVE	C Liquor
(R)	QUIKTRIP #530	2300 E 14TH ST	C Beer
(S)	QUIKTRIP #534	2945 E UNIVERSITY AVENUE	C Beer
(T)	QUIKTRIP #535	1501 E GRAND AVE	C Beer
(U)	QUIKTRIP #554	901 SW 63RD	C Beer
(V)	SOUTHSIDE TOBACCO	2424 SW 9TH ST	C Beer
(W)	SPLASH SEAFOOD BAR & GRILL	303 LOCUST ST	C Liquor
(X)	VETERANS MEM AUDITORI	833 5TH AVENUE	C Liquor
(Y)	WEST GRAND 66 #20236	6222 GRAND AVE	C Beer

TRANSFER TO NEW LOCATION

(Z)	DES MOINES ART CENTER REST	800 WALNUT ST	C Liquor
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TEMPORARY TRANSFER OF LICENSE FOR A ONE DAY EVENT ON JULY 9, 2004. PENDING APPROVAL OF BUILDING, ELECTRICAL AND FIRE DEPARTMENTS.

SPECIAL EVENTS APPLICATIONS

(AA)	CHUCKS RESTAURANT	3612 6TH AVE	B Beer
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FIVE DAY LICENSE FOR THE ANNUAL CHUCK'S STREET PARTY ON AUGUST 7, 2004.

(BB)	CONCESSION SPOT 23	3000 E GRAND AVE	B Beer
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FOURTEEN DAY LICENSE FROM AUGUST 10, 2004 THRU AUGUST 24, 2004 FOR IOWA STATE FAIR.

(CC)	EMBASSY SUITES HOTEL	25 E WALNUT AVE	B Beer
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FIVE DAY LICENSE FOR BOOTH A AT TASTE OF DES MOINES ON JULY 23 AND 24, 2004. PENDING APPROVAL OF BUILDING DEPARTMENT.

(DD)	EMBASSY SUITES HOTEL	25 E WALNUT AVE	B Beer
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FIVE DAY LICENSE FOR BOOTH B AT TASTE OF DES MOINES ON JULY 23 AND 24, 2004. PENDING APPROVAL OF BUILDING DEPARTMENT.

5. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

6. Ordering construction of Drainage Improvements behind 201 E. Grand Avenue – Receiving of Bids, (7-13-04), and Setting Date of Hearing, (7-26-04), (Construction Estimate - \$20,850).
7. Approving and authorizing the execution of Iowa Department of Transportation Preconstruction Agreements for the E. 5th Street Pedestrian Bridge, 40th Street Pedestrian Bridge, and 44th Street Pedestrian Bridge.

[\(Council Communication No. 04-316\)](#)

8. Approving Change Order No. 6 (not to exceed \$122,424.18) and Change Order No. 7 (not to exceed \$27,568.70) with Jensen Construction Co. and United Contractors, Inc., a joint venture, for additional work on M.L. King Jr. Pkwy and Fleur Drive Intersection/Bridges Combined Project – total not to exceed \$149,992.88.

[\(Council Communication No. 04-315\)](#)

9. Approving designation of lowest responsible bidder as Rognes Corp., (Warren Rognes, President, Ames), contract and bond and permission to sublet for Upper Union Park Sewer Separation Phase II, \$4,547,750.
 - (A) Approving Professional Services Supplemental Agreement No. 2 with Veenstra & Kimm, Inc., (H.R. Veenstra, Jr., President, WDSM), \$87,005.

[\(Council Communication No. 04-312\)](#)

10. Communication from Cramer & Associates, Inc. requesting an extension of time of 35 days on the S.W. 9th Street Bridge over Raccoon River and UPRR Rehabilitation with a revised completion of July 15, 2004.
11. Communication from M. Peterson Construction Company requesting an extension of time until August 1, 2004 on the 2003 Sidewalk Replacement Program due to weather conditions.
12. Authorization to proceed on the 2004-05 Sidewalk Program which is included in the 2004-2005 Capital Improvements Program.

[\(Council Communication No. 04-314\)](#)

13. Approving completed construction and approving final payment for the following:
 - (A) Blank Park Zoo Service Building, Munro Construction Company.
 - (B) Skywalk 4F-5F Skylight Replacement, Munro Construction Company.
 - (C) Gray's Lake Entrance Gates, Access Control Technologies, Inc.

SPECIAL ASSESSMENTS

14. Approving deletion of NAC-Emergency Assessments at 1616 Porter Avenue and 2706 Kingman Boulevard.

LAND/PROPERTY TRANSACTIONS

15. Approve and accept real estate documents for property for the Southeast Ridge Trunk Sanitary Sewer Project, \$5,082 plus closing costs.
16. Establishing fair market value and authorizing acquisition of property at 2143 & 2147 High Street for the Ingersoll Run Outlet Sewer Project, \$ 20,400 plus closing costs.
17. Approve and accept real estate documents for property at 5201 Park Avenue, for the Park Avenue Widening Project, \$ 2,900 plus closing costs.
18. Approve and accept real estate documents for property at 921 Pleasant Street, for the 10th Street Reconstruction Project, \$11,300 plus closing costs.
19. Approving final subdivision plat entitled PARK AVENUE ESTATES located in the vicinity of 1700 block of East Park Avenue.

[\(Council Communication No. 04-311\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

20. Recommendation of Council Member Archie Brooks to reappoint Cleo Ashman to Seat 7 on the Des Moines International Airport Board for a four-year term commencing June 30, 2004 to expire June 30, 2008.
21. Recommendation of At-Large Council Member Chris Coleman to reappoint James Erickson to Seat 3 on the Des Moines International Airport Board for a four-year term commencing June 30, 2004 to expire June 30, 2008.

22. Recommendation of Council Member Christine Hensley to reappoint Kaye Lozier to Seat 12 on the Plan & Zoning Commission for a five-year term commencing July 5, 2004 to expire July 5, 2009.
23. Recommendation of Council Member Bob Mahaffey to appoint Michael Barber to Seat 5 on the Access Advisory Board for a four-year term commencing June 15, 2004 and expiring June 15, 2008.

COMMUNICATIONS FROM PLANNING AND ZONING

24. Regarding request from Hubbell Realty Company for approval of preliminary subdivision "RIVER POINT PLAT NO. 4" located southeast of SW 7th Street and Murphy Street to create three separate lots for existing business park development.
25. Regarding request from Chad Ogle d/b/a Action Auto Body for vacation and conveyance of north/south alley from Granger Avenue to Dunham Avenue between Indianola Avenue and South Union Street.

SETTING DATE OF HEARINGS

26. On request from A to Z Rental to rezone properties located in the vicinity of 3749 and 3801 E. University Avenue from "C-1" (Neighborhood Retail Commercial) and "R1-60" (One Family Low Density Residential) to "C-2" (General Retail and Highway-Oriented Commercial) to allow for expansion of existing rental business with building addition to eliminate outdoor storage, (7-12-04).
27. On request from Eastgate Plaza L.L.C., (Norman Weinstein, Officer), to rezone properties located at 3817 and 3819 East 14th Street and to amend the Eastgate Plaza PUD Concept Plan, (7-12-04).
28. On request from Chad Ogle d/b/a Action Auto Body to rezone property located at 1710 S. Union Street from "R-3" (Multiple Family Residential) to Limited "M-1" to allow for development of property in conjunction with adjoining property for auto body repair shop, (7-12-04).
29. On easement across City property at E. 37th and Easton Creek Crossing, with MidAmerican Energy, for gas lines and above ground regulator station, \$1,000, (7-12-04).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

30. Approving payment of \$8,964.60 to Spiegel & McDiarmid Law Firm for services in conjunction with the Brownfields Showcase Community, federal funding, Riverpoint West Redevelopment and related matters.
31. Approving payment of \$810 to Sullivan & Ward, P.C. for assistance in matters pertaining to the National Pollution Discharge Elimination System Permit (NPDES) and environmental issues in lease and use agreements.
32. Approving payment of \$2,024.24 to Hanson, Bjork & Russell, LLP for representation of City in lawsuit Summy v. City of Des Moines, et al.

CITY MANAGER COMMUNICATIONS

33. Regarding preliminary terms of agreement with Nelson Development LLC (Mike Nelson, President, Urbandale) for short-term parking lease, 101 SW 4th.

[\(Council Communication No. 04-319\)](#)

34. Submitting out-of-state travel requests for Eric Anderson and Amelia Hamilton Morris.

[\(Council Communication No. 04-297\)](#)

35. Submitting various traffic regulation changes as follows:
 - (A) Corner Clearance – North Side of East Ovid Avenue, East of East 35th Street.
 - (B) Modifications to Metered Parking and Rush-Hour Restrictions – Areas of Locust Street from 12th to 15th Streets, Grand Avenue from 15th to 16th Streets, and 15th Street from Grand Avenue to Locust Street.
 - (C) Corner Clearance – East Side of 38th Street, South of Urbandale Avenue.
 - (D) Aurora Avenue Speed Limit Modifications.

[\(Council Communication No. 04-313\)](#)

APPROVING

36. Emergency Shelter Grant (ESG) contract with Iowa Department of Economic Development, where City will receive a grant award of \$455,158 of ESG funding for the period of July 1, 2004 to June 30, 2005.

[\(Council Communication No. 04-299\)](#)

37. Application for enterprise zone benefits for Metro Engineering, Inc.'s project in Des Moines Gateway Enterprise Zone located at 400 4th Street (former Kirkwood Hotel).

[\(Council Communication No. 04-301\)](#)

38. License Agreement with HMG Parking Co. I, L.L.C. for Locust Mall, 700 Locust.

39. Agreements with five firms to perform Phase 1 environmental assessment work in select areas, \$169,623.

[\(Council Communication No. 04-298\)](#)

40. Unified Planning Work Program and budget submitted by Metropolitan Planning Organization (MPO) for fiscal year 2004-2005, beginning July 1, 2004.

41. Lease Agreement from July 1, 2004 through December 31, 2004 for 9,000 square feet of greenhouse space at 1444 East Washington Avenue, \$15,000.

[\(Council Communication No. 04-310\)](#)

42. Authorizing and providing for issuance of the following General Obligation Bonds:

(A) \$13,685,000 Series 2004C.

(B) \$14,425,000 Series 2004D (Urban Renewal).

(C) \$4,830,000, (Taxable Series 2004E).

43. Initial Operating Contract with the Des Moines Metropolitan Wastewater Reclamation Authority, as amended and updated.

(A) Amendment to the City Investment Policy to provide for co-investment of City and WRA funds.

[\(Council Communication No. 04-308\)](#)

44. Execution of Memorandum of Understanding with City of Des Moines, Des Moines Public Library and Public Library of Des Moines Foundation regarding funding of Des Moines Public Library Ten Year Facilities Plan.

[\(Council Communication No. 04-318\)](#)

45. Receipt of bid package for construction of New Central Library.

[\(Council Communication No. 04-302\)](#)

46. 28E Agreement with Iowa Department of Transportation for maintenance of primary road extensions within Des Moines for the following:

(A) 02/03, \$123,294.46.

(B) 03/04, \$142,290.02.

47. Agreements with MidAmerican Energy for the following:

(A) Value-added Service Agreement.

[\(Council Communication No. 04-309\)](#)

(B) Street Lighting Service Agreement.

[\(Council Communication No. 04-300\)](#)

48. Annual insurance renewal for July 1, 2004 for property and casualty insurance recommended by Jester Insurance Services, Inc., \$1,179,504.

[\(Council Communication No. 04-303\)](#)

49. Civil Service Promotional Lists for Truck Driver and Pump Station Technician.

50. Bids from the following:

- (A) West Publishing for a non-competitive procurement of a blanket order for access to electronic research materials during fiscal year 2005 to be used by the Legal Department, \$39,000.
- (B) Mettam Safety Supply for a Self Contained Breathing Apparatus (SCBA) and accessories to be used by the Fire Department, \$26,607.72. (Fourteen bids mailed, twelve received).
- (C) Chas W. Goering for water service stop box relocation services to be used by the Public Works Department, \$40,015. (Thirteen bids mailed, four received).

51. Authorizing Finance Director to issue checks on registers of June 24, July 1 and July 8, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of June 21, June 28, and July 5, 2004; and to draw checks for biweekly payroll due employees on July 9, 2004.

ORDINANCES - FINAL CONSIDERATION

52. Amending Chapter 2 of the Municipal Code regarding procurement by solicitation of competitive bids, and procurement by request for proposals.

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

ORDINANCES - SECOND CONSIDERATION

53. Amending Gas Franchise Ordinance by extending term of franchise with MidAmerican Energy Company and amending franchise fees provided in ordinance.
54. Amending Electric Franchise Ordinance by extending term of franchise with Mid American Energy Company and amending franchise fees provided in ordinance.

ORDINANCES - FIRST CONSIDERATION

55. Amending Chapter 90 of the Municipal Code regarding powers and duties of the Public Housing Board.
 - (A) Final consideration of ordinance above, (waiver requested by the Legal Department), requires 6 votes.
56. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Revisions to On-Street Parking-Area of E. 11th Street and Des Moines Street.
 - (B) Petition for Two-Sided Parking Restriction-800 Block of E. Bell Avenue.
 - (C) Corner Clearance-West Side of E. 36th Court, South of E. Euclid Avenue.
 - (D) Corner Clearance-North Side of Burlington Terrace, East of Nash Drive.
 - (E) Corner Clearance-East Side of Nash Drive, South of Burlington Terrace.
 - (F) Removal of Parking Meter Spaces-East Side of 5th Avenue, North of Grand Avenue.
 - (G) Adjustment to Corner Clearances and Parking Meters-8th Street between Center Street and Crocker Street.
 - (H) Additional On-Street Parking-East Side of SW 5th Street, North of Tuttle Street.

- (I) Extension of Nighttime Parking Restriction-North Side of Locust Street between 11th Street and 12th Street.
- (J) One-Sided Parking Restriction-North Side of College Avenue from 8th Street to 9th Street.
- (K) Parking Restrictions to Facilitate Solid Waste Operations-SE 4th Street from Burnham Avenue South and any part of the cul-de-sac and Gleaves Court from East Ovid Avenue to and including any part of the cul-de-sac.
- (L) Parking Restriction to Facilitate Solid Waste Operations-Both Sides of the 4600 block of Wakonda Parkway and including any part of the cul-de-sac.
- (M) Additional Metered On-Street Parking Spaces-East Side of East Sixth Street near East Grand Avenue and Des Moines Street.
- (N) Final consideration of ordinance above, (waiver requested by Council Member Hensley), requires 6 votes.

COMMUNICATIONS/REPORTS

- 57. From Chris Greenfield, Downtown Community Alliance, requesting the City to consider redevelopment of Riverpoint West area by a developer consortium.
- 58. From Gerald LaBlanc, 8912 N.E. 46th Avenue, Altoona, requesting to speak regarding replacing the Woodland Cemetery Memorial Arch.
- 59. NUMBER NOT USED.
- 60. From Neighborhood Development Corporation regarding their seat on the Neighborhood Revitalization Board.
- 61. Petition from property owners requesting paving on SW 7th Street from Virginia Avenue to Pleasant View Drive.

HEARINGS (Opened at _____P.M.) (Items 62 thru 76)

- 62. On request from Townsend Engineering Company, to amend the PUD Conceptual Plan for the property at 2323 Hubbell, to allow for expansion

of an existing office building to the south toward Dubuque Avenue, for a new meat laboratory to be used for research and development purposes.

63. On request from Ora Thomas d/b/a Thomas Used Cars, to rezone property at 1220 Ure Street and 1223 E. 21st Street from “R1-60” (One Family Low Density Residential) to Ltd “C-2” (General Retail and Highway Oriented Commercial).
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

64. On vacation and conveyance of the east/west alley between Ingersoll Avenue and Grand Avenue from 16th to 17th Street, to Iowa Paint Manufacturing, \$65,500.
 - (A) First consideration of ordinance above.

65. On vacation and conveyance of the dead end portion of the north/south alley north of E. Ovid Avenue between Cornell and Columbia Streets, to the Des Moines Independent Community School District, \$25.
 - (A) First consideration of ordinance above.

66. On items regarding property at 1022 Des Moines Street:
 - (A) Approving amendment to the Des Moines 2020 Community Character Land Use Plan, changing designation from Public/Semi Public to Downtown Support Commercial.
 - (B) Hearing to rezone from “C-0” (Commercial-Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow for conversion of the existing single-family dwelling to a coffee shop, subject to conditions.
 - (C) First consideration of ordinance above.
 - (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

67. Dismissing proceeding on rezoning requested by Cornerstone Family Church, 4375 SW 63rd Street, (application was withdrawn).

68. On rezoning of 833-42nd Street from “C-1” (Neighborhood Retail Commercial) and “R1-60” (One Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial).
- (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

69. On Issuance of not to exceed \$8,600,000 Stormwater Management Utility Revenue Bonds.
- (A) Authorization for additional action.
 - (B) Directing sale of \$8,510,000 Stormwater Management Utility Revenue Bonds, Series 2004F.

[\(Council Communication No. 04-305\)](#)

70. On Annexation Moratorium Agreement and 28E Agreement with City of Norwalk.

71. Items regarding sale of City-owned property at 711-16th Street:
- (A) On sale of property in vicinity of lots 18-21 to Hatch Development Group, LLC, \$40,213, and approving agreement to develop.
 - (B) On sale of the south 11 feet of Lot 17, to Judy Hill, \$2,387.

72. On Building Official’s determination that structure at 1101 Scott Street constitutes a public nuisance.

[\(Council Communication No. 04-307\)](#)

73. On Agrimergent Technology Park Storm Sewer Outlet and Pump Station: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Cramer and Associates, Inc., (Robert Cramer, President/CAO, DSM), \$2,076,097.50.

- (A) Approving contract and bond and permission to sublet.
- (B) Approving Professional Services Supplemental Agreement No. 1 with Earth Tech Services, Inc., (Alan Krusi, CEO, Long Beach, CA) in conjunction with Agrimergent Technology Park Storm Water Study and Storm Sewer Design Construction, not to exceed \$60,000.

[\(Council Communication No. 04-317\)](#)

74. On 2004 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. VerMeer, Pella), \$157,860.

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

75. On 2004 Sidewalk Replacement Program-Designated Neighborhoods: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. VerMeer, Pella), \$150,000.

- (A) Approving contract and bond.

76. On Westchester Park Playground Improvements-Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Johnson Concrete & Petroleum Construction, Inc., (Robert L. Johnson, DSM), \$89,478.50.

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

END HEARINGS AT _____ P.M.

BOARD OF HEALTH

MOTION TO CONVENE.

HEARINGS

1. On resolution to cause the removal of the garage structure located at 307 Indiana Avenue by administrative process and to charge for the enforcement costs incurred in bringing an administrative removal action or to determine appropriate equitable action to be taken, Titleholder: Floyd Loggins; Contract Buyer: Mary Ann L. Gatewood.

2. On resolution to cause the removal of the garage structure located at 311 Indiana Avenue by administrative process and to charge for the enforcement costs incurred in bringing an administrative removal action or to determine appropriate equitable action to be taken, Titleholder: Lincoln O. Allison, Sr.; Mortgage Holder: Associates Home Equity Services, Inc.

3. On resolution to cause the removal of structures located at 2935 Walker Street by administrative process and to charge for the enforcement costs incurred in bringing an administrative removal action or to determine appropriate equitable action to be taken, Titleholder: Erik Abild; Mortgage Holder: First National Acceptance Company.

4. On resolution to cause the removal of the garage structure located at 1501 9th Street by administrative process and to charge for the enforcement costs incurred in bringing an administrative removal action or to determine appropriate equitable action to be taken, Titleholder: Michael L. Dooley; Contract Buyer: Herbert L. McMillon, Sr.

AUTHORIZING

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

(A) 1544 Arthur Avenue, Titleholder: Valson Group, LLC.

(B) 2519 E. 23rd Street, Titleholder: David Ellis.

6. The Engineering Department to remove the dwelling structures located at 1415 University Avenue, Titleholders: Augustine Akpan and Inie Clement; Tax Certificate Holders: Z Fin 7 and Larry West.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003