

DES MOINES CITY COUNCIL MEETING

July 25, 2005 4:30 P.M.

PROCLAMATIONS – 4:15 P.M.

National Night Out

Korn Patch Klowns

INVOCATION: Pastor Tony Thurston
College Avenue Christian 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 39:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License applications for the following:

NEW APPLICATIONS

(A)	CARNITAS DON JAVIER	1824 HUBBELL AVE	C Liquor
(B)	KRYSTAL SLIPPER	1760 BEAVER AVE	C Liquor
(C)	STAR BAR	2809 INGERSOLL AVE	C Liquor

RENEWAL APPLICATIONS

(D)	AH BLANK GOLF COURSE	711 COUNTY LINE RD	C Liquor
(E)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
(F)	DICKEY DOOGANS	1201 E ARMY POST RD	C Liquor
(G)	EL PATIO MEXICAN RESTAURANT	611 37TH ST	C Liquor
(H)	GIT N GO STORE #26	2140 E PARK AVE	C Beer

(I)	LA PIZZA HOUSE	1013 SE 14TH STREET	C Liquor
(J)	LATIN KING RESTAURANT	2200 HUBBELL AVE	C Liquor
(K)	LOS COMPADRES	1440 MAURY ST	C Liquor
(L)	MICHAELS RESTAURANT/LOUNGE	4041 URBANDALE AVE	C Liquor
(M)	NE 14TH HANDIMART	5150 NE 14TH STREET	C Beer
(N)	OLD WEST BARBEQUE	3000 E GRAND AVE	B Beer
(O)	PDS PUB	3803 SW 9TH STREET	C Liquor
(P)	QUIKTRIP #523	850 ARMY POST RD	C Beer

OUTDOOR SERVICE APPLICATIONS

- (Q) BLAZING SADDLE 416 E 5TH ST C Liquor
Temporary In conjunction with Historic East Village Bike Night on July 29, 2005.
- (R) LOCUST TAP 434 E LOCUST ST C Liquor
Temporary in conjunction with Historic East Village Bike Night on July 29, 2005. Pending approval of Building and Electrical Departments.

SPECIAL EVENT APPLICATIONS

- (S) NICK SEXTON INC 3000 E GRAND AVE C Native
Wine
Fourteen day license in conjunction with the Iowa State Fair, August 11-24, 2005.
- (T) SHIE CONCESSION 3000 E GRAND AVE B Beer
Fourteen day license for the Miller Tent in conjunction with the Iowa State Fair, August 11-24, 2005.

5. City Clerk to issue Cigarette Licenses.
6. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Resolution Ordering Construction of the following:
 - (A) Western Gateway Demolition – 13th Street to 15th Street – Receiving of Bids, (8-9-05), and Setting Date of Hearing, (8-22-05). (Construction Estimate - \$429,525).
 - (B) Leetown Creekway Wooden Box Replacement – Phase 3 – Receiving of Bids, (8-9-05), and Setting Date of Hearing, (8-22-05). (Construction Estimate - \$1,068,000).
8. Approving items regarding Principal Park Seating Expansion and Outfield Improvements:

- (A) Supplemental Agreement with Hok Sport, Inc. (Rick Martin, Senior Principal, Kansas City, MO) for design of enhanced water features, not to exceed \$128,625.

[\(Council Communication No. 05-418\)](#)

- (B) Professional Services Agreement with Team Services (Colby Cunningham, President, DM) for construction phase services, not to exceed \$42,000.

[\(Council Communication No. 05-415\)](#)

- 9. Approving Professional Services Agreement with Snyder & Associates, Inc. (Stephen P. Rowe, President, Ankeny) for engineering services in conjunction with East Indianola Avenue Corridor Study from SE 14th Street to E. Army Post Road, not to exceed \$223,200.

[\(Council Communication No. 05-413\)](#)

- 10. Approving Change Order No. 1 with Employers Mutual Casualty Company for additional work on the 8th & Mulberry Streets Parking Garage, not to exceed \$192,001.

[\(Council Communication No. 05-414\)](#)

- 11. Approving request for extension of time on Clover Hill Trunk Sanitary Sewer – Phase 1.

- 12. Approving Private Construction Contract between Neumann Brothers, Inc. and Leachman Lumber Company for Storm Sewer Improvements in 1921 Hubbell Avenue.

- 13. Approving completion and recommending acceptance of the following Private Construction Contracts:

- (A) Eco-Tech Construction, L.L.C. and TCK Development, L.L.C. for Paving Improvements in Culver Ridge Estates Plat 1, located at E. Payton Avenue.

- (B) Eco-Tech Construction, L.L.C. and TCK Development, L.L.C. for Sanitary Sewer Improvements in Culver Ridge Estates Plat 1, located at E. Payton Avenue.

- (C) Eco-Tech Construction, L.L.C. and TCK Development, L.L.C. for Storm Sewer Improvements in Culver Ridge Estates Plat 1, located at E. Payton Avenue.
 - (D) McAninch Corporation and Brook Run L.C. for Sanitary Sewer Trunk Line Improvements west of Brook Run Village Plat 2.
 - (E) The Underground Company, Ltd. and Beckley Automotive Services for Storm Sewer Improvements on Crocker Street from 7th Street, west to north/south alley to serve 901 8th Street.
 - (F) McAninch Corporation and Oaks Development for Sanitary Sewer Improvements for The Meadowlands Townhomes, 2100 Meadow Chase Lane.
 - (G) Earth Movers, Inc. and St. Andrews Group for Sanitary Sewer Improvements for Carman Sanitary Sewer Extension from existing sanitary sewer in Easter Lake Estates Plat 7, across 2547 and 2575 Easter Lake Drive to serve future subdivision of Carman Estates.
 - (H) Chas Goering Plumbing, Inc. and Systems Capital, Inc. for Storm Sewer Improvements in west border area of 30th Street, south of Forest Avenue to serve McDonald's Restaurant, 3002 Forest Avenue.
 - (I) McAninch Corporation and Rottlund Homes for Sanitary Sewer Improvements in Brook Run Villas, located in proposed Brook Run Village Plat 8.
 - (J) Gater Excavating, Inc. and Mark G. Holmes for Storm Sewer Improvements at 5133 Meadow Woods Circle, Brook Run Village, Plat 1.
 - (K) Eco-Tech Construction, L.L.C. and Oaks Development for Street Improvements in new development, Park Place Plat 1, E. Park Avenue and SE 23rd Street.
 - (L) McAninch Corp. and Oaks Development for Sanitary Sewer Improvements in new development, Park Place Plat 1, E. Park Avenue and SE 23rd Street.
 - (M) McAninch Corp. and Oaks Development for Storm Sewer Improvements for PCC paving in new development, Park Place Plat 1, E. Park Avenue and SE 23rd Street.
14. Approving recommendation of City Engineer regarding disqualification of Buchanan Builders, Inc. as a contractor or subcontractor on public improvement contracts for a period of three years.

15. Approving applications to the Iowa Department of Transportation for traffic safety funds to cover a portion of construction costs for the following projects:
 - (A) East Army Post Road Widening from South Union to SE 5th Street.
 - (B) SW 7th and Indianola Road Traffic Signal/Channelization Improvements.
 - (C) E. 29th and Hubbell Intersection Traffic Signal Upgrading.
 - (D) 5th, 6th, and 7th at Crocker Street-Traffic Signal Upgrading.
 - (E) Midblock Pedestrian Crossing Enhancements.
- [\(Council Communication No. 05-412\)](#)
16. Approving completion and recommending acceptance for 2004 Expanded Street Resurfacing Program-Arterial, Des Moines Asphalt & Paving Co.
17. Receive, file and authorize execution of petition and waiver forms for curb replacement program/request to repair driveway executed by three property owners.

SPECIAL ASSESSMENTS

18. Approving levying assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development and Public Works) for Schedule No. 2005-09.
19. Approving deletion of NAC-Emergency Assessments at 905 24th Street.

LAND/PROPERTY TRANSACTIONS

20. Approve and accept real estate documents for property at 2403 McKinley Avenue for the McKinley Avenue Reconstruction and Obstruction Removal Project, \$11,000 plus closing costs.
21. Approve and accept real estate documents for properties in the vicinity of Army Post Road and SE 45th Street for the Southeast Ridge Trunk Sanitary Sewer Project-Phase II, \$8,670 plus closing costs.

BOARDS/COMMISSIONS/NEIGHBORHOODS

22. Recommendation of Council Member Archie Brooks to appoint Brian J. Meyer to Seat # 15 on the Plan and Zoning Commission to fill unexpired term of Becky Morelock commencing July 1, 2003 to expire July 1, 2008.
23. Recommendation of Mayor Frank Cownie to reappoint Barbara Hildebrandt to Seat #2 on the Library Board of Trustees for a six-year term commencing July 1, 2005 to expire July 1, 2011.
24. Communication from Becky Morelock advising of her resignation from the Plan and Zoning Commission, Seat #15, effectively immediately.

SETTING DATE OF HEARINGS

25. On application from Crown Colony, Inc. for voluntary annexation of property at the southwest corner of Hubbell Road and NE 46th Avenue (a/k/a Broadway Avenue), (9-12-05).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. Approving payment of \$14,287 to Marjo, L.L.C. for settlement of Marjo, L.L.C. v. City of Des Moines.
27. Approving payment of settlements by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

28. Submitting traffic regulation changes as follows:
 - (A) Corner Clearance-South side of Ingersoll Avenue east of 31st Street.
 - (B) Corner Clearance-North side of Ingersoll Avenue, east of 34th Street.
 - (C) Corner Clearance-West side of 22nd Street, south of University Avenue.
 - (D) Corner Clearance-East side of 24th Street, north of Clark Street.

- (E) Corner Clearance-South side of College Avenue, west of 24th Street.
- (F) Corner Clearance-North side of College Avenue, east of 24th Street.
- (G) Corner Clearance-East side of 24th Street, south of College Avenue.
- (H) Corner Clearance-West side of 24th Street, north of College Avenue.
- (I) Corner Clearance-West side of 28th Street, south of College Avenue.
- (J) Corner Clearance-East side of 29th Street, south of Clark Street.
- (K) Corner Clearance-East side of 23rd Street, north and south of Clark Street.
- (L) Corner Clearance-South side of Allison Avenue, east and west of 27th Street.
- (M) Corner Clearance-East side of 24th Street, north and south of 24th Drive.
- (N) Corner Clearance-South side of Wrenwood Drive, west of 26th Street.
- (O) Corner Clearance-East side of SE 4th Street, north and south of Raccoon Street.

[\(Council Communication No. 05-411\)](#)

- 29. Submitting out-of-state travel requests for Lawrence McDowell, Keith Ellis, Jeff Slump, Tansy Hayward and Lauren Palmer.

[\(Council Communication No. 05-404\)](#)

APPROVING

- 30. Employment of Thomas J. Clarke, Jr. as Assistant City Attorney.
- 31. Designation of the entire City of Des Moines multi-use recreational trail system as the John Pat Dorrian Trail System.

[\(Council Communication No. 05-421\)](#)

32. Transfer of funds from the Woodland Cemetery Endowment Fund to an expendable City fund to be used for the restoration and maintenance of the Woodland Cemetery.

[\(Council Communication No. 05-405\)](#)

33. Agreement with the Des Moines Register for production and insertion/distribution of the updated Greater Des Moines Trail Map.

34. Joint bid with other public entities from Cargill Deicing Technology for rock salt to be used by the Street Maintenance Division of the Public Works Division, \$303,920. (Twelve bids mailed, two received).

[\(Council Communication No. 05-406\)](#)

35. Authorizing Finance Director to draw checks on the registers of July 28, 2005 and August 4, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of July 25, 2005 and August 1, 2005; and to draw checks for biweekly payroll due August 5, 2005.

ORDINANCES - FINAL CONSIDERATION

36. Items regarding downzoning of property along the south side of the 1800 block of Euclid Avenue:

- (A) Rezoning 1810 Euclid Avenue from “M-1” (Light Industrial) to Ltd. “C-2” (General Retail and Highway Oriented Commercial).
- (B) Rezoning the balance of the property from “M-1” (Light Industrial) to “C-1” (Neighborhood Oriented Commercial), requires 6 votes.

ORDINANCES - SECOND CONSIDERATION

37. On vacation of air rights over east/west alley adjoining 112-11th Street.
38. Amending Chapter 98 of the Municipal Code regarding definition and regulation of transfer stations.

[\(Council Communication No. 05-420\)](#)

(A) Final consideration of ordinance above, (waiver requested by Community Development Department), requires 6 votes.

39. Amending Chapter 46 of the Municipal Code, adopting the 2003 International Fire Code.

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

ORDINANCES - FIRST CONSIDERATION

40. NUMBER NOT USED.

41. Amending Chapter 114 of the Municipal Code as follows:

(A) Corner Clearance to facilitate movement of Solid Waste Vehicles-both sides of Washington Avenue, east of 38th street.

(B) Corner Clearances-West side of 29th Street, south of Grand Avenue.

(C) Court Avenue traffic revisions.

COMMUNICATIONS/REPORTS

42. Request from K. James Dobbins, 2305 Grand Ave, #306, to speak regarding fees and penalties for pet licensing.

INFORMAL HEARINGS (OPEN AT 5:00 P.M.) (ITEM 42-I)

42-I. Citizen input regarding criteria needed by new City Manager.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 43 THRU 46)

43. On conveyance of City-owned property at 1127 11th Street to Houses for You.

[\(Council Communication No. 05-417\)](#)

44. On vacation and conveyance of the East 160' of the East/West alley between 23rd Street and 24th Street, south of University Avenue, adjoining Lots 10-17 of Drake University 3rd Addition, and the East/West alley between University Avenue and

Drake Park Avenue from the North/South alley to 24th Street, to 2300 University Avenue, LLC.

[\(Council Communication No. 05-416\)](#)

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

45. On Cownie Soccer Stadium Expansion: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Legacy Construction Group, (Douglas N. Stephens, President, Grimes, IA) \$402,467.60.

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

46. On Warren County Roadway Improvements Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt & Paving Corp., (J.M. Yonker, President, Grimes, IA), \$158,807.

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

APPROVING

47. Issuance of Request for Qualifications (RFQ) for reuse of the former Science Center of Iowa (SCI) in Greenwood Park.

[\(Council Communication No. 05-410\)](#)

48. Authorizing continued Negotiations with Riverpoint West, LLC for redevelopment of Riverpoint West Development Area.

[\(Council Communication No. 05-419\)](#)

MOTION TO ADJOURN AT _____ P.M.

All-America City
1949 1976 1981 2003