

DES MOINES CITY COUNCIL MEETING

September 22, 2003 4:30 P.M.

SPECIAL PRESENTATION - 4:00 P.M.:

Recognition of Governor Robert D Ray's 75th Birthday

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 54:

LICENSES AND PERMITS:

Approving

4. The following Beer/Liquor Applications:

NEW APPLICATIONS

(1) Milindo Nayarit, 1704 E Grand Avenue, B Beer.

(2) Bistro Montage, 2724 Ingersoll Avenue, C Liquor.

(3) Hitz, 204 3rd Street, C Liquor.

(4) Los Pinos, 3311 SE 14th Street, C Liquor.

RENEWAL APPLICATIONS

(5) Godfathers Pizza, 3022 SE 14th Street, B Beer.

(6) Godfathers Pizza, 4119 University Avenue, B Beer.

(7) Loco Joes, 4100 Merle Hay Rd., B Beer.

(8) Ag Food & Gas Mart II, 1516 SE 1st, C Beer.

(9) Ag Food & Gas Mart III, 2110 Guthrie Avenue, C Beer.

(10) Git-N-Go Store #33, 865 42nd Street, C Beer.

(11) Outlet Cigarette Beer & Liquor, 4538 Lower Beaver Rd., C Beer.

(12) QuikTrip #500, 3700 Hubbell Avenue, C Beer.

(13) Wal Mart Supercenter, 5101 SE 14th Street, C Beer.

(14) Arirang Restaurant, 5514 Douglas Avenue, C Beer/Wine.

(15) Big Dog Bar & Grill, 2222 Forest Avenue, C Liquor.

(16) Des Moines Izaak Walton League, 4343 George Flagg Pkwy., C Liquor.

(17) Embassy Club, 1011 Locust Street, C Liquor.

(18) Ingersoll Dinner Theater, 3711 Ingersoll Avenue, C Liquor.

(19) Merle Hay Lanes, 3800 Merle Hay Rd., C Liquor.

(20) Smokeys Triangle Tap, 2506 Post, C Liquor.

(21) Des Moines Club, 666 Grand Avenue, A Liquor.

(22) Des Moines Marriott Hotel, 700 Grand Avenue, B Liquor.

(23) Embassy Suites Hotel, 101 E Locust Street, B Liquor.

(24) Outlet Cigarette Beer & Liquor, 4538 Lower Beaver Rd., B Wine.

(25) QuikTrip #500, 3700 Hubbell Avenue, B Wine.

- (26) Wal Mart Supercenter, 5101 SE 14th Street, B Wine.
- (27) Des Moines Marriott Hotel, 700 Grand Avenue, E Liquor.
- (28) Drake Liquor Store, 2106 Forest Avenue, E Liquor.
- (29) Outlet Cigarette Beer & Liquor, 4538 Lower Beaver Rd., E Liquor.
- (30) Wal Mart Supercenter, 5101 SE 14th Street, E Liquor.

TRANSFER TO NEW LOCATION

- (31) Dahls, 3400 E 33rd Street, C Beer. Permanent transfer from 3710 Hubbell Avenue on September 30, 2003. Pending approval of Building and Fire Departments.
- (32) Dahls, 3400 E 33rd Street, B Wine. Permanent transfer from 3710 Hubbell Avenue on September 30, 2003. Pending approval of Building and Fire Departments.
- (33) Dahls, 3400 E 33rd Street, E Liquor. Permanent transfer from 3710 Hubbell Avenue on September 30, 2003. Pending approval of Building and Fire Departments.

OUTDOOR SERVICE APPLICATIONS

- (34) Court Avenue Brewing Company, 309 Court Avenue, C Liquor. Temporary outdoor service area in conjunction with Oktoberfest on October 11, 2003. Pending approval of Building and Electrical Departments.
- 5. City Clerk to issue Cigarette Licenses.
 - 6. City Clerk to issue Coin-Operated Machine Licenses.

PUBLIC IMPROVEMENTS

- 7. Resolution ordering construction of WRF W3 Water System Improvements, Receiving of Bids, (10-7-03), and Setting Date of Hearing, (10-20-03). (Construction Estimate - \$387,400).
- 8. Accepting completed construction and approving final payment of the following:
 - (A) 2002 Sidewalk Replacement Program - Designated Neighborhoods, \$15,779.12 is now due and remaining balance of \$6,059.98 to be paid at the end of thirty days.

(B) East Locust Streetscape Improvements, \$9,120 is now due and remaining balance of \$125,090.85 to be paid at the end of thirty days.

9. Approving Private Construction Contract between Sternquist Construction, Inc., (Britt Sternquist, President, Indianola, Contractor) and Clarke Company, Ltd., (John J. Clarke, President, DSM, Owner) for construction of paving improvements for proposed Woods on the River Plat #8 in vicinity of Whispering Ridge Drive and East King Avenue - \$90,719.40.

10. Approving Private Construction Contract between Eco-Tech Construction, L.L.C., (Steve Gillotti, Owner, Grimes, Contractor) and Oaks Development, (John C. Kline, President, WDSM, Owner) for construction of Street Improvements for PCC paving in new development, Park Place Estates Plat 2 in vicinity of E. Park Avenue and SE 24th Street Court - \$42,750.

11. Approving execution of grant agreement to obtain release of previously approved grant funds for construction of outlet storm sewers in conjunction with the I-235 Project.

[\(Council Communication No. 03-471\)](#)

12. Approving professional services agreement with Veenstra & Kimm, Inc. (H. R. Veenstra Jr., President, West Des Moines) for design services, right-of-way acquisition and construction phase services in conjunction with the WRA Four Mile Interceptor Extension, \$660,336.

[\(Council Communication No. 03-474\)](#)

13. Approving Supplemental Agreement No. 2 with Snyder & Associates, Inc. (Stephen P. Rowe, President, Ankeny) for wetland mitigation design and construction services for the Easter Lake Retention Basins - Phase 2, not to exceed \$14,535.

[\(Council Communication No. 03-472\)](#)

SPECIAL ASSESSMENTS

14. Petition and waiver forms for sidewalk program/request to repair sidewalk executed by owner of two (2) properties and authorizing City Manager to proceed with construction.

15. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development & Public Works) for the following:

(A) Schedule No. 2003-07.

(B) Schedule No. 2003-29.

(C) Schedule No. 2003-56.

(D) Schedule No. 2003-79.

(E) Schedule No. 2003-89.

(F) Schedule No. 2003-80.

16. Deletion of NAC-Emergency Orders Assessment Schedule No. 2002-08, Certificate 00-09124-00 for 3407 E. 8th Street - \$368.22.

LAND/PROPERTY TRANSACTIONS

17. Approving the following for DEER RIDGE II, Plat 1, located in vicinity of Creston Avenue and east of SW 63rd Street:

(A) City Plan Commission recommendations for preliminary subdivision.

(B) Final subdivision plat.

[\(Council Communication No. 03-465\)](#)

18. Approving the following for PARKSIDE EAST, Plat 1, located in vicinity of Douglas Avenue and east of Four Mile Creek:

(A) City Plan Commission recommendations for preliminary subdivision.

(B) Final subdivision plat.

[\(Council Communication No. 03-464\)](#)

19. Approve and accept real estate at 3120 and 3202 East 35th Street for the Gay Lea Wilson Recreational Trail Project, \$700 plus closing costs.

20. Approve and accept Quit Claim Deed for Monroe-Rice Elementary School Drop Off Lane Project, closing costs only.

21. Approving Tax Abatement applications for additional value added by improvements made during 2003. (193 applications on file in City Clerk's Office).

[\(Council Communication No. 03-463\)](#)

22. Approving Tax Abatement application for property at 2846 Druid Hill Drive that was timely filed during the calendar year 2000.

BOARDS/COMMISSIONS/NEIGHBORHOODS

23. Communication from Rebecca Danilson advising of her resignation from the Access Advisory Board (Seat #15) effective immediately.

STREET CLOSURES

24. Approving recommendation of Street Use Team to close the following streets:

(1) Heather Lesley, representing Meadow Wood Circle Neighborhood, requesting permission to close Meadow Wood Circle from 3636 Brook Ridge to 5210 Meadow Wood Circle on Saturday, October 4, 2003 from 3 PM to 7 PM for a neighborhood block party.

(2) Chris Burch, representing Salisbury House Foundation, requesting permission to close northbound Tonawanda from Family Drive to east/west Tonawanda on Saturday, October 4, 2003 (Raindate of Sunday, October 5, 2003) from 1 PM to 5 PM for Salisbury Auto Classic.

(3) Amy Donnelly, representing Linden Heights Neighborhood, requesting permission to close Foster Drive to Woodlawn Drive on north and south and east to where Woodlawn Drive connects on Saturday, October 11, 2003 from 3 PM to 9 PM for a neighborhood block party.

(4) Larry James, representing Drake Neighborhood Association, requesting permission to close 20th Place from Meek to Mondamin Avenue on Saturday, September 27, 2003 from 3 PM to 5 PM for a neighborhood block party.

CITY PLAN COMMISSION RECOMMENDATIONS

25. Regarding request from Barbara Marchant for vacation and conveyance of Webster Street, north of Hillside and east/west alley between South Union Street and vacated Webster Street, north of Hillside, subject to conditions.

SETTING DATE OF HEARINGS

26. On vacation of the North/South alley between 15th and 16th, and between Pleasant and Park Street, (10-6-03).

27. On sale of City property at 215 Watson Avenue, to Richard W. and Alma E. Ziebell, \$4,950 and to Ninetyone CVJC, L.L.C., \$7,425, (10-6-03).

28. On sale of City property in the vicinity of 5001 SE 5th Street to Frank Shillak Waite, \$4,400, (10-6-03).

29. On Council-initiated request to rezone property at 1181 9th Street, from "R-3" (Multiple-Family Residential), and "R-4" (Multiple Family Residential) to "C-1" (Neighborhood Retail Commercial) to allow for redevelopment of property for off-street parking accessory to reuse the building at 800 University as part of the Des Moines Area Community College campus, (10-6-03).

30. On voluntary annexation of territory within the Historic Fort Des Moines area, (11-17-03).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

31. Approving settlements made by City Attorney not exceeding \$5,000.

32. Approving payment of \$1,258.23 to William Jenkins and law firm of Myers & Jenkins for representation of City in the UAL Corporation bankruptcy.

33. Approving payment of \$9,200.50 to law firm of Duncan, Green, Brown, Langeness & Eckley for representation of City in matters involving the airport parking garages.

CITY MANAGER COMMUNICATIONS

34. Submitting out-of-state travel for Michael Armstrong and David Bair.

[\(Council Communication No. 03-454\)](#)

35. Submitting traffic regulation change for a two-way traffic operation of Buchanan Street between East 7th Street and Pennsylvania Avenue.

[\(Council Communication No. 03-473\)](#)

36. Regarding Adult Crossing Guards during the noon crossing period for 2003-2004 school year.

[\(Council Communication No. 03-470\)](#)

37. Regarding economic development loan to GCommerce, Inc., (Steven Smith, Chief Executive Officer, Valley Cottage, NY), \$250,000.

[\(Council Communication No. 03-457\)](#)

APPROVING

38. Amendment to the East Village Study Block Development Plan implementation timeline.

[\(Council Communication No. 03-469\)](#)

39. City Manager Recommendation regarding Pawn Shop Ordinance.

[\(Council Communication No. 03-467\)](#)

40. Contract LIHEAP-04-07-J for energy related assistance for low-income persons from October 1, 2003 to September 30, 2004, \$155,970.

41. Agreement with the Iowa Department of Commerce, Alcohol Beverage Division for participation in the Tobacco Retailer Compliance Program, \$20,000.

[\(Council Communication No. 03-475\)](#)

42. Iowa Federal Recreation Trails grant application to the Iowa Department of Transportation for the renovation of the 1.7 mile Bill Riley Trail, \$250,000.

[\(Council Communication No. 03-462\)](#)

43. Statewide Transportation Enhancement Program grant application to the Iowa Department of Transportation for renovation of Court Avenue railroad bridge for a multi-use recreational trail connecting the Pat Dorrian Trail and Riverpoint Trails, a component of the Principal Riverwalk, \$2,500,000.

[\(Council Communication No. 03-461\)](#)

44. 28E Agreement with the Des Moines Independent Community School District for the School Resource Program.

[\(Council Communication No. 03-476\)](#)

45. Receipt of proposed regulation regarding parking charges at Des Moines International Airport effective November 24, 2003 from Airport Board Chair.

46. Submitting Official Financial Report for City Streets for FY2003 to Iowa Department of Transportation (IDOT) for continued eligibility of Road Use Tax Allotments.

[\(Council Communication No. 03-477\)](#)

47. Request for Proposals (RFP) for collection agency services.

[\(Council Communication No. 03-460\)](#)

48. Request for Proposals (RFP) for a new agent-broker services contract effective March 1, 2004 for risk management and insurance issues.

[\(Council Communication No. 03-458\)](#)

49. Request for Proposals (RFP) for the City's health insurance plan.

[\(Council Communication No. 03-468\)](#)

50. **WITHDRAWN** - Request for Qualifications (RFQ) for consultant services for storm, sanitary, and solid waste utilities billing and financial reporting.

[\(Council Communication No. 03-455\)](#)

51. Civil Service Promotional List for Senior Police Officer.

52. Bids for the following:

(A) Elliott Equipment Company (Grimes, IA) for a trailer-mounted sewer cleaner to be used by the Wastewater Reclamation Facility, \$19,770. (Five bids mailed, two received).

[\(Council Communication No. 03-459\)](#)

(B) ASAP Software Express (Buffalo Grove, IL) per State of Iowa contract CT2545 for Symantec software products to be used by the Information Technology Department, \$27,012.50.

(C) Emergency Medical Products (Waukesha, WI) for an annual contract with 2 additional one year renewal options to furnish medical and pharmaceutical supplies to the Fire Department, \$80,000. (Ten bids mailed, six received).

(D) Information Builders Inc. (New York, NY) sole area wide distributor for an annual software maintenance contract for Webfocus and iWay software products to be used by the Information Technology Department, \$33,237.

53. Authorizing Finance Director to issue checks on check registers of September 25 and October 2, 2003; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 22 and September 29, 2003; and to draw checks for biweekly payroll due on October 3, 2003.

ORDINANCES - FINAL CONSIDERATION

54. Amending Chapter 42 of the Municipal Code deleting the grading permit one-call surcharge.

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

ORDINANCES - FIRST CONSIDERATION

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

- (1) Designation of Handicapped Parking Meters--East and West Sides of 6th Avenue, North of Walnut Street.
- (2) Corner Clearance--North Side of East Locust Street, West of Pennsylvania Avenue.
- (3) Loading Zone--North Side of Locust Street, East of 2nd Avenue.
- (4) Loading Zone--North Side of Raccoon Street, East of SE 8th Street.

COUNCIL REQUESTS

- 56. From Council Member Archie Brooks, to discuss the street lighting program.
- 57. From Council Member Frank Cownie, to speak regarding process to complete Brody Park project.

COMMUNICATIONS/REPORTS

- 58. From Kent Sovern, Greater Des Moines Partnership, to speak regarding the annual lobbying trip to Washington D.C.
- 59. Petition from area residents regarding plans for extension of Three Lakes Parkway.
- 60. From John Limke, 1119 Grand Avenue, requesting to speak regarding parking restrictions on Grand Avenue, 11th & 12th Streets.
- 61. From Lauris Olson, 213-4th St. #6, to speak regarding a moratorium on closure of 4th Street between Walnut and Court.

HEARINGS (Opened at _____ P.M.) (Items 62 thru 69)

- 62. On vacation and sale of the east/west alley between E. Granger and E. Dunham from SE 3rd to SE 4th to 9 abutting property owners.
 - (A) First consideration of ordinance above.

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

63. On sale of alley right-of-way between Virginia Avenue and Pleasant View Drive, west of SW 9th Street, to 5 abutting property owners.

64. On sale of City-owned property at 223, 225, 301, 305, and 309 East Holcomb Avenue to TMJ Investments, \$24,750.

65. On sale of property at 6217 Edwards and 6220 Welker to R.M. Madden Construction, Inc., \$20,030.

66. On sale of alley right-of-way between North Union and East 8th Street, south of Wisconsin to 3 abutting property owners.

67. On application from Eleanor Bates to rezone her residence at 229 Franklin Avenue from the "R-3" (Multiple Family Residential) and "FW" (Floodway) to "C-2" (General Retail and Highway Oriented Commercial) to permit portions of residence to be converted to commercial use.

(A) Resolution **DENYING** request to amend Des Moines 2020 Community Character Land Use Plan to accommodate proposed rezoning.

(B) Resolution closing public hearing and **DENYING** proposed rezoning.

68. On request from Mercy College to rezone property at 928 6th Avenue from "C-2" (General Retail and Highway Oriented Commercial) to "C-3A" (Central Business District Support Commercial) to allow expansion of the main campus building, subject to conditions.

(A) First consideration of ordinance above.

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

69. On authorization of a Loan Agreement and issuance of not to exceed \$2,500,000 General Obligation Capital Loan Notes, for the Metro Center Urban Renewal Area.

(A) Authorization for additional action.

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

APPROVING

70. Honorary Street Names for the following:

(A) WAAC Road - as the honorary name of Chaffee Road extending south from Army Post Road.

(B) Morris Road - as the honorary name of Dickman Road between SW 9th and Chaffee Road.

(C) Morris Road - as the honorary name of West Street between SW 9th and SW 14th Streets.

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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

September 22, 2003

MOTION TO CONVENE

AUTHORIZING

1. Court authority to abate the public nuisance at 2711 Capitol (vacant mobile home) Titleholder: Citifinancial Mortgage Company, Inc. f/k/a Associates Financial Services Company, Contract Buyers: Chris J. Cantwell and Charlene R. Cantwell.

2. The Engineering Department to cause the removal of 3109 38th Street, Titleholder: Randy L. Simonini.

3. Release of the following fire escrow accounts:

(A) Release of demolition cost reserve held by Allied Insurance under claim number 14Q62851 regarding the property known as 1512 E. Bell owned by Mark A. Dye and Christine Dye.

(B) Release of demolition cost reserve held by State Farm Insurance Companies under claim number 15-E062-442 regarding the property known as 2347 E. Grand Avenue owned by Lovie Streeter and Twanise Streeter.

(C) Release of demolition cost reserve held by Leuwerke & Associates, Inc. under policy number 5172874 regarding the property known as 1430 4th Street owned by Kou Cavan.

(D) Release of demolition cost reserve held by State Farm Insurance Companies under claim number 15-D047-286 regarding the property known as 1426 16th Street owned by Alberta D. Manning.

MOTION TO ADJOURN AT _____P.M.