

DES MOINES CITY COUNCIL MEETING

January 6, 2003 4:30 P.M.

PROCLAMATIONS - 4:15 P.M.:

- (a) Hope Ministries Day
- (b) International Printing Week

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 46:

LICENSES AND PERMITS:

Approving

4. The following Beer/Liquor Applications:

NEW APPLICATIONS

- (1) A Dong Restaurant, 1511 High Street, C Beer/Wine.

RENEWAL APPLICATIONS

- (2) Coney Island #2, 3700 SW 9th Street, B Beer.
- (3) El Rancho Alegre Restaurant, 3308 Indianola Avenue, B Beer.
- (4) Dahls Foods, 1819 Beaver Avenue, C Beer.

- (5) Fareway Store #900, 100 E Euclid Avenue, C Beer.
 - (6) Jiffy #924, 3718 SW 9th Street, C Beer.
 - (7) Kum & Go #552, 4944 Douglas Avenue, C Beer.
 - (8) Regal Liquors #1, 3424 Martin Luther King Jr Pkwy., C Beer.
 - (9) Texaco Food Mart, 3732 Easton Blvd., C Beer.
 - (10) Kwong Tung Restaurant, 2721 Ingersoll Avenue, C Beer/Wine.
 - (11) Christophers Dining Room, 2816 Beaver Avenue, C Liquor.
 - (12) Diamond Jacks, 3000 E Grand Avenue, C Liquor.
 - (13) Jesses Embers, 3301 Ingersoll Avenue, C Liquor.
 - (14) Johnny Macs Bar & Grill, 2279 Hubbell Avenue, C Liquor.
 - (15) Des Moines Air National Guard, 3100 McKinley Avenue, A Liquor.
 - (16) Highland Park Post #374, 3712 2nd Avenue, A Liquor.
 - (17) Dahls Foods, 1819 Beaver Avenue, B Wine.
 - (18) Fareway Store #900, 100 E Euclid Avenue, B Wine.
 - (19) Regal Liquors #1, 3424 Martin Luther King Jr Pkwy., B Wine.
 - (20) Hy Vee Food Store #4, 4707 Fleur Drive, E Liquor.
 - (21) Regal Liquors #1, 3424 Martin Luther King Jr Pkwy., E Liquor.
5. Tony's Touch of Class, 1016 University Avenue, C Liquor. (Recommendation from Zoning to **DENY** license).
 6. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Authorization to proceed with the design process on four projects included in the 02-03/07-08 Capital Improvements Program.

[\(Council Communication No. 03-006\)](#)

8. Approving Change Order No. 2 with Baker Electric, Inc. for additional work in conjunction with the 11/12th Streets Connector Traffic Signals contract - \$13,600.

[\(Council Communication No. 03-010\)](#)

9. Approving Change Order No. 3 with Western Waterproofing Co., Inc. for caulking repair work at Sec Taylor Stadium to be completed by change order to the Court Avenue Bridge over Des Moines River Railing Repairs contract - \$22,644.

[\(Council Communication No. 03-011\)](#)

10. Approving execution of Iowa Department of Transportation Preconstruction Agreement for Polk Boulevard Bridge Reconstruction.

[\(Council Communication No. 03-012\)](#)

11. Approving Change Order No. 1 with Flexible Lifeline Systems for an extension of the contract completion date to November 30, 2002 in conjunction with the WRF Digester Fall Protection contract.

[\(Council Communication No. 03-013\)](#)

12. Ordering construction of Police Dispatch Center Renovation, Receiving of Bids, (1-28-03), and Setting Date of Hearing, (2-10-03). (Construction Estimate \$290,000).

13. Professional Services Agreement with Snyder & Associates, Inc., for design services for Easter Lake Retention Basins, Basin No. 9, not to exceed \$38,500.

[\(Council Communication No. 03-014\)](#)

(A) Authorization for acquisition of necessary right-of-way and easements.

14. Approving execution of Supplemental Agreement No. 3 with RDG Crose Gardner Shukert, Inc. for design and construction phase services for softball complex in northeast Des Moines, \$57,484.

[\(Council Communication No. 03-019\)](#)

15. Accepting completed construction and approving final payment for the following:

(A) WRF Biosolids Storage Facility Landscape, \$1,704.30 is now due and \$2,611.30 at the end of thirty days.

(B) SW 8th and 9th Street Viaducts over ML King Jr. Parkway Repairs, \$5,361.91 at the end of thirty days.

SPECIAL ASSESSMENTS

16. Approving delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of December 2002 for certification to the Polk County Treasurer.

17. Authorizing deletion of the following NAC-Emergency Order Special Assessments:

(A) Schedule No. 2002-79, Certificate No. 00-09506-00, 2021 38th Street, \$430.96, payment was already received in full.

(B) Schedule No. 2002-56, Certificate No. 00-09326-00, 1135 28th Street, \$95, payment was already received in full.

(C) Schedule No. 2001-14, Certificate No. 00-08277-00, 3421 Thompson Avenue, \$599.34, an administrative hearing was held and the charges were waived.

(D) Schedule No. 2002-02, Certificate No. 00-08277-00, 1727 13th Street, \$867.10, an administrative hearing was held and the charges were waived.

18. Authorizing Engineering Department Staff to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for December 2002.

LAND/PROPERTY TRANSACTIONS

19. Establishing Fair Market Value and authorizing acquisition of property at 3740 Vandalia Road, 1817 SE 36th Street and 1500 Block of SE 38th Street in conjunction with the Agrimergent Technology Park Project - \$158,500 plus closing costs.

20. Approve and accept real estate documents for 2508 and 2808 East 35th Street for the Gay Lea Wilson Recreational Trail Project, \$670 plus closing costs.

21. Approve and accept real estate documents for property located at 5413 and 5403 SW 9th Street for the SW 9th Street Widening at Porter Avenue Project, \$755 plus closing costs.

22. Authorization to proceed with right-of-way acquisition for Bennett Avenue, Nierob Court and 26th Street Closes Creek Storm Water Improvement Projects

[\(Council Communication No. 03-008\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

23. Appointment of Des Moines' Primary and Alternate Representatives to the Des Moines Area Metropolitan Planning Organization (MPO), and the Primary and Alternate Representatives to the MPO Transportation Technical Committee (TTC), for 2003.

24. Communication from Carol Olson advising of her resignation from the Access Advisory Board (Seat 14) effective December 4, 2002.

25. Recommendation of Council Member Chris Coleman to reappoint Mark Barkley on the Traffic and Safety Committee (Seat 3) for a three year term commencing December 31, 2002 to expire December 31, 2005.

26. Recommendations for appointments to the Urban Design Review Board.

(A) Mayor Preston Daniels to appoint William Dikis to Seat 1, term to expire June 30, 2005.

(B) Council Member Archie Brooks to appoint Jeff Lewis to Seat 7, term to expire June 30, 2005.

(C) Council Member Christine Hensley to appoint Jacob Carl Christensen to Seat 10, term to expire June 30, 2005.

27. NUMBER NOT USED.

CITY PLAN COMMISSION RECOMMENDATIONS

28. Regarding approval of a request from Des Moines Independent Community School District, 1701 Lay Street, for vacation and conveyance of the east 10' of Lay Street, from Jefferson to a point 750' south, along the frontage for Phillips Elementary School.

SETTING DATE OF HEARINGS

29. On conveyance of entire 19th Street right-of-way between Olive Street and I-235 to the State of Iowa for I-235 reconstruction, (1-27-03).

30. On proposed voluntary annexation of property west of Highway 69 and south of County Line Road, (2-24-03).

31. On continued lease of city-owned property in the vicinity of 6th Avenue and Holcomb, to Consolidated Supply of Des Moines, \$250 per year for 5 years, plus maintenance, (1-27-03).

[\(Council Communication No. 03-015\)](#)

32. On continued lease of the parking lot at the Northwest corner of E. 33rd and Easton Blvd., to St. Joseph's Church, \$350/year for 5 years, (1-27-03).

[\(Council Communication No. 03-016\)](#)

33. On lease of retail space W-5 in the 7th and Grand Parking Garage to Josefina Orozco and Wendee Griffin d/b/a Ray's Barbershop, (1-27-03).

[\(Council Communication No. 03-017\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

34. Approving payment of \$5000 to Allied Insurance as Subrogee and \$3000 to Marvin and Jo Ellen Johnson for property damage as the result of a sewer backup on October 24, 2002.

35. Approving payment of \$1075.50 to Nyemaster Law Firm for services relating to collective bargaining.

36. Approving payment of \$24.64 to Myers & Jenkins law firm for legal services in the Trans World Airlines, Inc. bankruptcy.

CITY MANAGER COMMUNICATIONS

37. Submitting out-of-state travel for Tom Vlassis, Emily Gould Chafa, Carol Moser, Tony Knox and Cynthia Donahue.

[\(Council Communication No. 03-001\)](#)

38. Submitting various traffic regulation changes as follows:

(1) Corner Clearance--North Side of Franklin Avenue, West of Beaver Avenue.

(2) New Intersection Parking Restrictions--Ingersoll Avenue and Martin Luther King Jr. Parkway.

(3) Corner Clearance--South Side of Elm Street, East of SW 2nd Street.

[\(Council Communication No. 03-005\)](#)

APPROVING

39. Community Services Block Grant (CSBG) Program Contract with Iowa Department of Human Rights/Division of Community Action Agencies for provision of community services to low-income persons from October 1, 2002 to September 30, 2003.

40. Certificate of Completion, Minimum Assessment Agreement and Parking Agreement for the Wells Fargo Office Building and Garage.

[\(Council Communication No. 03-004\)](#)

41. Issuance of a Certificate of Completion for dwellings on ten parcels to R.M. Madden Construction.

[\(Council Communication No. 03-009\)](#)

42. Partial Release of Declaration of Covenants granted in error by Snag, L.L.C.

43. Civil Service Entrance List for Custodial Worker and Promotional Lists for Senior Fire Medic and Senior Building Equipment Operator.

44. Bids for the following:

(A) Access Control Technologies, (Elizabeth Loffredo, President) sole area wide distributor for Federal APD parking control equipment to be used by the Traffic and Transportation Department at various parking garages, \$58,185.

(B) Vessco, Inc., (Dick Corbett, President, Eden Prairie, MN) for disinfection equipment to be used by the Wastewater Reclamation Facility, \$104,600. (Eleven bids mailed, four received).

(C) Sandry Fire Supply, (Mary Sandry, President, DeWitt, IA) for MSA self contained breathing apparatus (SCBA) equipment to be used by the Fire Department, \$245,029. (Two bids mailed, two received).

(D) O'Halloran International, (Jim O'Halloran, President) for three 56,000 GVW trucks to be used by the Street Maintenance Division, \$321,864. (Seven bids mailed, four bids received).

(E) Compaq Computer Corporation, Western States Contract Alliance (WSCA) price agreement #90-00151, for Compaq computer equipment for a storage area network to be used by the Wastewater Reclamation Facility, \$70,285.

(F) Pat Clemons, State of Iowa Contract number CT2748, for two passenger vehicles to be used by the Police Department, \$35,358.83.

(G) Clapper Corporation, (Ted Clapper, President, Ankeny) for non-competitive procurement of repair to high speed centrifuge gearbox at the Wastewater Reclamation Facility, not to exceed \$29,500.

[\(Council Communication No. 03-022\)](#)

45. Authorizing the Finance Director to draw checks on the register of January 10, 2003; to draw checks for the bills of the Des Moines Municipal Housing Agency for the week of January 6, 2003 and to draw checks for biweekly payroll due on January 10, 2003.

ORDINANCES - FINAL CONSIDERATION

46. Amending Chapter 114 of the Municipal Code regarding various traffic regulations as follows:

(1) Petition to Restrict Parking--Both Sides of Morton Avenue from Idaho Street east to the Dead End.

(2) Loading Zone--West Side of 38th Street, North of Ingersoll Avenue.

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

ORDINANCES - FIRST CONSIDERATION

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

(A) Corner Clearance--West Side of Lyndale, North of Hillcrest Drive.

(B) Rush Hour Parking Restriction--East Side of 5th Avenue, North of Grand Avenue.

48. Amending Chapter 114 of the Municipal Code regarding various traffic regulations as follows:

(1) Four-Way Stop--58th Street and Kingman Avenue

(2) Four-Way Stop--44th Street and College Avenue

(3) Traffic Control Changes--Cottage Grove Avenue between 19th Street and 29th Street (due to street reconfiguration as part of I-235 project).

49. Amending Chapter 26 of the Municipal Code regarding real estate installment contract sales inspections.

COMMUNICATIONS/REPORTS

50. Request from Michael Kiernan, 750 16th Street, to speak regarding recently levied fees.

51. From Beverly Jean Helsing, 1909 Mondamin, requesting to speak regarding the noise ordinance.

52. From Reverend Sue Schneider, Iowa State Senator Jack Holveck and Jeffrey J. Weiss, 4211 Grand, to speak regarding a resolution opposing war against Iraq.

53. Petition for the construction of curb and gutter along Urbandale Avenue from Merle Hay Road west to City limits.

HEARINGS (Opened at _____ P.M.) (Items 54 thru 56)

54. On request from The Metro Market, L.L.C. to rezone property at 2001 High Street, from "R-4" (Multiple Family Residential) and "C-1" (Neighborhood Retail Commercial) to Limited "C-2" (General Retail and Highway-Oriented Commercial), to develop a year-round farmers market retail operation with auction house in the lower level, subject to conditions.

(A) First consideration of ordinance above.

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

55. On vacation and conveyance of a portion of North/South alley between 24th and 25th Streets, south of Kingman Boulevard to abutting property owners.

(A) First consideration of ordinance above.

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

56. On vacation and conveyance of property north and west of Hartford Avenue and SE 16th Street to CYRANO L.C., \$56,088.

[\(Council Communication No. 03-023\)](#)

(A) First consideration of ordinance above.

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

APPROVING

57. Recommendation of Mayor Daniels for appointment of Mayor Pro Tem for the year 2003.

58. Recommendation from City Clerk regarding appointment of Chief Deputy City Clerk.

59. Appointment of Council Member Tom Vlassis, to the Community and Economic

Development Steering Committee, of the National League of Cities, and approving travel to four additional meetings, (sites and dates to be approved at a later date.)

60. Items regarding Right-of-Way Management:

(A) Final consideration of ordinance regarding right-of-way management.

(B) Approving a schedule of restoration costs and a schedule of required insurance coverages for excavation activities in City right-of-way, and amending the schedule of fees and the schedule of administrative penalties to include fees and administrative penalties for the Right-of-Way Management Program.

(C) Receive and file and authorize publication of Implementing Regulations for the Right-of-Way Management Program.

[\(Council Communication No. 02-647 of 12-16-02\)](#)

61. Revised lease guidelines governing placement of telecommunications equipment on City-owned property.

[\(Council Communication No. 03-018\)](#)

62. Execution of agreement and covenant regarding sanitary sewer service outside city limits for the MidAmerican Energy Company Power Generation Facility in Pleasant Hill.

[\(Council Communication No. 03-007\)](#)

63. Agreement with the Iowa Department of Economic Development for the City to receive physical infrastructure assistance program funds for the Allied Gateway Campus and Western Gateway projects, \$750,000.

[\(Council Communication No. 03-002\)](#)

64. Preliminary approval of \$200,000 Economic Development Loan to Diamond Animal Health, Inc. and recommendation of application to Des Moines Enterprise Zone Commission for Enterprise Zone Benefits to be used for expansion of production at 2538 SE 43rd Street in the Agrimergent Technology Park.

[\(Council Communication No. 03-021\)](#)

65. Social Services Block Grant (SSBG) agreement with the Human Services Planning Alliance for the Enterprise Community Child Care Subsidy Project, \$163,993.

[\(Council Communication No. 03-020\)](#)

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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

January 6, 2003

MOTION TO CONVENE

AUTHORIZING

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

(A) 1444 4th Street (vacant) Titleholder: John Zajicek dba Z Fin 9.

(B) 621 SE 11th Street (vacant) Titleholder: 3624 S. Union, LLC and Tax Certificate Holder: John Zajicek dba Z Fin 9.

(C) 5830 SE 14th Street, north mobile home, (vacant) Titleholders: Waneta C. Van Patten and David F. Van Patten, Legal Interest Holder: Iowa State Bank.

2. The Engineering Department to remove the following structures:

(A) 1915 Franklin, Titleholder: the Heirs of Paz Nolberto.

(B) 1426 16th Street, Titleholder: Alberta Manning.

3. Release of demolition cost reserve escrowed for the following structures:

(A) 3017 Carr, held under claim number 381-0064400459 owned by Sally Kesterson.

(B) 1702 Glenwood, held under claim number 15-D064-679 owned by Betty Murphy.

(C) 1362 Idaho, held under claim number 56018-45762 owned by Patricia Cason.

MOTION TO ADJOURN at _____ P.M.

Des Moines - City of Skywalks