

DES MOINES CITY COUNCIL MEETING

June 6, 2005 4:30 P.M.

PROCLAMATIONS – 4:15 P.M.

Juneteenth Observance
Community Pharmacy Appreciation Day

SPECIAL PRESENTATIONS – 4:15 P.M.

Library Presentation – Summer Reading Program

INVOCATION: Fire Department Chaplain John Harrell

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 44:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License applications for the following:

NEW APPLICATIONS

(A)	CHEFS KITCHEN Liquor	1903 BEAVER AVE	C
(B)	EASTSIDE GRILL Beer/Wine	3301 E EUCLID AVE	C
(C)	EUREST DINING SERVICES Liquor	401 W MARTIN LUTHER KING	C
(D)	LUCKY DRAGON REST. Beer	1454 2ND AVE	B

RENEWAL APPLICATIONS

(E)	CARLS PLACE	1620 WOODLAND AVE	C
	Liquor		
(F)	CJS II	316 E 30TH STREET	C
	Liquor		
(G)	DAHLS FOODS	4121 FLEUR DR	E
	Liquor		
(H)	FOUR POINT BY SHERATON	1810 ARMY POST RD	B
	Liquor		
(I)	ORIGINAL CONEY ISLAND	501 LOCUST ST	B
	Beer		
(J)	QUIKTRIP #535	1501 E GRAND AVE	C
	Beer		
(K)	SAVERY HOTEL AND SPA	401 LOCUST ST	B
	Liquor		

TRANSFER TO NEW LOCATION

(L)	CANDY KITCHEN	2103 FOREST AVE	C
	Beer		
	Permanent transfer from 2024 Forest Avenue.		
(M)	DEPOT	3000 E GRAND AVE	B
	Beer		
	Temporary transfer of license to the midway area for the Golden Circle Games on June 22, 2005.		
(N)	CHUCKS RESTAURANT	3612 6TH AVE	Five (5)
	Day License		
	Class B Beer License for the Annual Highland Park Sweet Corn Feed on July 16, 2005. Pending approval of Building Department.		
(O)	CHUCKS RESTAURANT	3612 6TH AVE	Five (5)
	Day License		
	Class B Beer License for the Annual Chuck's Street Party on August 6, 2005.		
(P)	EMBASSY SUITES	25 E WALNUT AVE	Five (5)
	Day License		
	Class B Beer License for Booth A at the Des Moines Arts Festival on June 24, 25 and 26, 2005. Pending approval of Building Department.		
(Q)	EMBASSY SUITES	25 E WALNUT AVE	Five (5)
	Day License		
	Class B Beer License for Booth B at the Des Moines Arts Festival on June 24, 25 and 26, 2005. Pending approval of Building Department.		
(R)	EMBASSY SUITES	25 E COURT AVE	Five (5)
	Day License		
	Class B Beer License for Booth C at the Des Moines Arts Festival on June 24, 25 and 26, 2005. Pending approval of Building Department.		

- (S) EMBASSY SUITES HOTEL 25 E COURT AVE Five (5)
Day License
Class B Beer License for Booth D at the Des Moines Arts Festival on June 24, 25 and 26, 2005.
Pending approval of Building Department.
- (T) EMBASSY SUITES HOTEL 25 E WALNUT AVE Five (5)
Day License
Class C Liquor License for Booth A at Taste of Des Moines on July 22 and 23, 2005. Pending
approval of Building Department.
- (U) EMBASSY SUITES HOTEL 25 E WALNUT AVE Five (5)
Day License
Class C Liquor License for Booth B at Taste of Des Moines on July 22 and 23, 2005. Pending
approval of Building Department.
- (V) EMBASSY SUITES HOTEL 25 E LOCUST ST Five (5)
Day License
Class C Liquor License for Booth C at Taste of Des Moines on July 22 and 23, 2005. Pending
approval of Building Department.
- (W) EMBASSY SUITES HOTEL 25 E LOCUST ST Five (5)
Day License
Class C Liquor License for Booth D at Taste of Des Moines on July 22 and 23, 2005. Pending
approval of Building Department.
- (X) HY VEE 2201 GEORGE FLAGG Five (5) Day
License
Class B Beer License in conjunction with Waterstock Rock effective June 16-20, 2005. Pending
approval of Building Department.
- (Y) RACCOON RIVER BREWING CO. 25 E WALNUT AVE Five (5)
Day License
Class C Liquor License in conjunction the Des Moines Arts Festival on June 24, 25 and 26, 2005.
Pending approval of Building, Electrical, Fire, Vice and Zoning Departments.
- (Z) WAT LAO BUDDHAVATH OF IA 1804 E PARK AVE Five (5)
Day License
Class B Beer License in conjunction with a festival on July 1, 2 and 3, 2005. Pending approval of
Electrical, Fire and Vice Departments.

5. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

6. Resolution Ordering Construction for Greenwood Park Rose Garden Walk – Receiving of Bids, (6-28-05), and Setting Date of Hearing, (7-18-05). (Construction Estimate - \$27,000).
7. Approving Relocation Compensation Agreement with MidAmerican Energy, for additional work on the M.L. King Jr. Parkway and Fleur Drive Intersection/Bridges Combined Project, \$41,149.39.
8. Approving Change Order No. 1 with Des Moines Asphalt Paving Company, for additional work on 2004 Expanded Street Resurfacing Program-Arterial, not to exceed \$116,299.70.

(Council Communication No. 05-318)

9. Approving contract and bond with The Hansen Co. Inc. for construction of a public improvement, estimated cost of which is less than Iowa Code Bid threshold, for the 1st Street Bridge over the Raccoon River Roadway Deck Repairs, \$48,900.
10. Approving completion and recommending acceptance of the following Private Construction Contracts:
 - (A) Sternquist Construction, Inc. and Clarke Company, Ltd. for Woods on the River Plat #6 in the vicinity of Grand River Drive and Eagle Point Court.
 - (B) The Underground Company, Ltd and Clarke Company, Ltd. for Woods on the River Plat #6 in the vicinity of Grand River Drive and King Avenue.
 - (C) Detrick Excavating, Inc. and R.M. Madden Construction, Inc. for Storm Sewer Improvements between 200 and 204 SW McKinley.
 - (D) Corell Contractor, Inc. and MidAmerican Energy Company for Sanitary Sewer Improvements on Carlisle Road at SE 43rd Street.
 - (E) Mihalovich Plumbing & Heating Co. and Rafdal and Abild L.L.C. for Storm Sewer Improvements, south of Bell Avenue on south end of SE 7th.
 - (F) Mihalovich Plumbing & Heating Co. and Rafdal and Abild L.L.C. for Sanitary Sewer Improvements, south of Bell Avenue on south end of SE 7th.
11. Approving Private Construction Contract for Hensen Company, Inc. and Principal Life Insurance Company for Floodwall Improvements in East side of Des Moines River from E. Grand Avenue to the Argonne Armory.

12. Approving completion and recommending acceptance for Blank Park Zoo Sidewalk Replacement – P.G. Construction, Inc.

SPECIAL ASSESSMENTS

13. Approving deletion of NAC-Emergency Assessments at 1701 Francis Avenue.
14. Receive, file and authorize execution of petition and waiver form for curb replacement program/request to repair driveway, executed by one property owner.

LAND/PROPERTY TRANSACTIONS

15. Real estate documents on property for Oak Park Avenue Storm Drainage Improvement Project, \$1 plus closing costs.
16. Real estate documents for property located at 4916 SW 56th Street for Airport Runway 13R-31L Project, \$180,000 plus closing costs.
17. Approving final subdivision plat entitled CARMAN ESTATES PLAT 5, located north of East Payton Avenue in the vicinity of SE 24th Street.

[\(Council Communication No. 05-336\)](#)

18. Approving authorization to acquire right-of-way for 38th Street and Douglas Avenue Traffic Signal Installation Project.

COMMUNICATIONS FROM PLANNING AND ZONING

19. Regarding request from Wastewater Reclamation Authority for vacation of East 27th Street between East Railroad Avenue and C.B. & Q. Street, subject to conditions.

20. Regarding Council-initiated request for vacation of Watson Powell Jr. Way between 2nd Avenue and Grand Avenue, subject to conditions.
21. Regarding request from Russell Severson for vacation and conveyance of dead end segment of SW 59th Street running south of Tonka Avenue, subject to conditions.

SETTING DATE OF HEARINGS

22. On request from Aaron W. Putnam, to rezone property at 2220 44th Street, from “C-1” (Neighborhood Retail Commercial) to “R1-60” (One Family Low-Density Residential), (6-20-05).
23. On Council-initiated rezoning of property in the vicinity of 1800 and 1810 Euclid, from “M-1” (Light Industrial) to “C-1” (Neighborhood Retail Commercial) and to also consider rezoning 1810 Euclid to Ltd. “C-2” (General Retail and Highway Oriented Commercial), (6-20-05).
24. On Voluntary Annexation of the Delaware Elementary School site, 4401 NE 46th Street, (8-8-05).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. Approving payment of \$3,465.23 to Myers & Jenkins for representation in ATA Holding Corporation bankruptcy and UAL Corporation bankruptcy.
26. Approving payment of \$287.50 to Nyemaster, Goode, West, Hansell & O’Brien, P.C. for collective bargaining work.

CITY MANAGER COMMUNICATIONS

27. Submitting out-of-state travel requests for William G. Stowe, Jennifer Smyser, and Stephen Waymire.

[\(Council Communication No. 05-308\)](#)

APPROVING

28. 2004 Shelter Plus Care Agreement with HUD for supplemental funding of local homeless programs to address service gaps.

[\(Council Communication No. 05-312\)](#)

29. Agreement with West Des Moines State Bank for dispersal of the Federal Home Loan Bank Affordable Housing Program Grant, \$250,000.

[\(Council Communication No. 05-313\)](#)

30. Documents related to City Economic Development Loan to Data Builder, Inc., \$45,000.

[\(Council Communication No. 05-328\)](#)

31. Increased Financing to 420 East Locust, LTD for renovation to 420 East Locust Street.

[\(Council Communication No. 05-329\)](#)

32. Economic Development loan agreement and CEBA loan agreement with Software Made Easy (Project Invision).

[\(Council Communication No. 05-310\)](#)

33. Permitting the entire width of public right-of-way (north/south alley adjoining the Look Building at 111-10th Street), to be used to satisfy building setback requirements under the Building and Fire Codes.

[\(Council Communication No. 05-315\)](#)

34. The following items regarding Tax Sale Certificates:

- (A) 2005 Certificates on certain vacant lots, and authorizing City Manager to solicit proposals for purchase of such lots for development of housing.
- (B) Assignment of Certificates for 1210 York Street, 1245 9th Street and 1727 E. 24th Street to S & G Real Estate Investments, Inc.
- (C) Agreement for Assignment of Certificates for 1023 – 27th Street to Des Moines Independent Community School District.

[\(Council Communication No. 05-314\)](#)

35. Renewal of contract for Long Term Disability insurance with Principal Financial Group for SPM, CIPEC, MEA and AFSCME Employees for July 1, 2005 through June 30, 2007.

[\(Council Communication No. 05-330\)](#)

36. Renewal of Administrative Services Only Agreement with Wellmark Blue Cross Blue Shield of Iowa, John Forsyth, CEO for active and retired employees with dental insurance coverage on a self-insured basis.

[\(Council Communication No. 05-331\)](#)

37. Intergovernmental 28E Agreements with Iowa Department of Transportation for maintenance and repair of primary roads for the following periods:

(A) July 1, 2004 through June 30, 2005.

(B) July 1, 2005, through June 30, 2006.

38. Reconsideration and approval of voluntary annexation of territory in unincorporated Polk County, (Richard Downs & H. Dwayne Crozier), 130 acres in the vicinity of 4520 Easton Blvd, and 4880 NE 23rd Avenue, to correct Roll Call 05-1318 and address the phase-in of City taxes.

39. Proposals for Legal Services to collect demolition judgments.

40. 2005 COPS Secure Our Schools Grant Application for a surveillance system at Des Moines area high schools.

[\(Council Communication No. 05-317\)](#)

41. Amendment to the City Council meeting schedule for 2005—changing the July 11th meeting to July 18, (if necessary, a short meeting will be held prior to the July 6 workshop).

42. Bid from Manhole Systems for catch basin manhole risers to be used by the Street Maintenance Division, \$64,500. (eleven bids mailed, six bids received).

43. Authorizing Finance Director to draw checks on the registers of June 9, 2005 and June 16, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of June 6, 2005 and June 13, 2005; and to draw checks for biweekly payroll due June 10, 2005.

ORDINANCES - SECOND CONSIDERATION

44. Amending Chapter 102 of the Municipal Code regarding permits, administrative penalties, permit fees, right-of-way restoration and permittee obligations and adding and enacting a new Section 102-95 regarding construction of a heated sidewalk.

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

ORDINANCES - FIRST CONSIDERATION

45. Amending Chapter 2 of the Municipal Code establishing a Des Moines Music Commission.

[\(Council Communication No. 05-309\)](#)

46. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Corner Clearance-North Side of Easton Boulevard, West of Searle Street.
 - (B) Loading Zone – East Side of 11th Street, North of College Avenue.
 - (C) Code Update – Parking Meter Districts.
 - (D) Reinstallation of Parking Meters Adjacent to the Science Center of Iowa.
 - (E) Parking Restriction Revisions in the Area of 13th Street and Walnut Street.
 - (F) Parking Restriction Revisions in the Area of 12th Street and Cherry Street.
 - (G) Parking Restriction Revision Due to Closure of Clark Street and 28th Street.
 - (H) Parking Restriction Revision – Adjacent to the Federal Building.

- (I) Parking Restrictions to Facilitate Movement of Solid Waste Vehicles – East Side of Glenarm Court, North of Welbeck Road to the Dead End North.
- (J) Revision of Parking Restriction to Appropriate Section of the Municipal Code.
- (K) Corner Clearance – South Side of Chicago Avenue, West of East 29th Street.
- (L) Parking Restriction Extension – South Side of Ascension Street, East of 12th Street.

COMMUNICATIONS/REPORTS

- 47. From William J. Lillis, regarding East Locust Development, John C. Burgeson.
- 48. Receipt of Board of Water Works Trustees Annual Report for the Des Moines Botanical Center for fiscal year ended December 31, 2004.

HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 49 THRU 61)

- 49. On vacation and conveyance of Lyon Street from Hubbell Avenue to its current terminus to Leachman Lumber, \$1,000.

[\(Council Communication No. 05-323\)](#)

- (A) First consideration of ordinance above.

- 50. On vacation and conveyance of excess E 25th Street right-of-way lying west of and adjoining 2501 University Avenue to Dennis A. Murray, \$1,100.

[\(Council Communication No. 05-322\)](#)

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

51. On vacation and conveyance of east/west alley between Olinda Avenue and Davis Avenue from SW 1st to Highland Street to abutting property owners.

[\(Council Communication No. 05-321\)](#)

- (A) First consideration of ordinance above.
52. On Release of Easement for storm sewer right-of-way at 2015 Ingersoll Avenue.
53. On application from Hubbell Properties II, L.C., (Series H), seeking voluntary annexation by the City of Des Moines for land lying southeast of NE Hubbell Road and east of NE 46th Street.
54. On Voluntary Annexation of 248 acres in Warren County, owned by the Spence Family Limited Partnership, south of the North River and immediately east of US Highway 65/69.
55. Approving Agreement with Principal Life Insurance Company for construction and funding of Principal Riverwalk – Union Railroad Bridge Renovation Project.

[\(Council Communication No. 05-326\)](#)

- (A) Hearing on Principal Riverwalk Bridge over Des Moines River – Rehabilitation: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Jensen Construction Co., (Kurt E. Rasmussen, Owner, DSM), \$2,118,575.
- (B) Approving contract and bond and permission to sublet.
56. On 2005 HMA Pavement Scarification & Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Des Moines Asphalt & Paving (Jim Gauger, President, DSM), \$892,000.
 - (A) Approving contract and bond.
57. On 2005 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Johnson Concrete & Petroleum Const, Inc. (Robert L. Johnson, President, DSM) \$168,702.50.

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

58. On Des Moines River Outfall Site Access Control: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as C.A.C. Properties, Inc., (Cris A. Christenson, President, Johnston), \$43,558.30.

[\(Council Communication No. 05-319\)](#)

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

59. On Hawthorne Park Shelter: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Johnson Concrete & Petroleum Const., Inc. (Robert J. Johnson, President, DSM), \$224,565.

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

60. On SW 9th Street and County Line Road Intersection: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Sheets Excavating, Ltd., (Charles Sheets, Owner, Montezuma, IA), \$427,270.90.

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

61. On University Avenue Bridge over the Des Moines River – Arch Rehabilitation: 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), \$1,463,991.40.

[\(Council Communication No. 05-324\)](#)

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

****END OF HEARINGS****

CITY MANAGER RECOMMENDATIONS

62. Report regarding the May 23rd Council meeting agenda item, Ingleside Hills Neighborhood.

[\(Council Communication No. 05-311\)](#)

63. Proposal by SOHO Development (Tony DeAngelo, CEO) to acquire the remainder of the Dewey Ford Showroom site at E. 4th and Locust for redevelopment for residential use with possible ground floor commercial space.

(A) Approving Amendment to Agreement for acquisition of property at E. 4th and Locust Streets.

[\(Council Communication No. 05-316\)](#)

64. Recommendations regarding various properties in the 400-500 block of E. Locust Street.

[\(Council Communication No. 05-335\)](#)

APPROVING

65. Two-year Parking System Management Contract with Ampco Parking Systems for operation and management of Municipal Parking Facilities, Fiscal Years 2005-06 and 2006-07.

[\(Council Communication No. 05-325\)](#)

66. Items regarding transfer of the City Animal Shelter to the Animal Rescue League of Iowa, Inc.

(A) First consideration of ordinance amending Chapter 18 of the Municipal Code regarding various animal regulations

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

(C) Approving amendment to the Schedule of Fees applicable to animals.

(D) Three-year contract with the Animal Rescue League, to provide animal shelter services at the Des Moines Animal Shelter, \$316,000 per year.

(E) Approving diminution of employees.

[\(Council Communication No. 05-327\)](#)

67. Items regarding the City Manager:

(A) Communication from City Manager, submitting his retirement, effective July 2, 2005.

(B) Appointment of Acting City Manager.

- (C) Discussion regarding process for recruiting and selecting a new City Manager.

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZATION

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:
 - (A) 1652 Buchanan Street, Titleholders: Iowa State Churches of God in Christ and Hurley Bassett; Contract Buyer: Iowa Jurisdiction Churches.
 - (B) 1802 Jefferson Avenue: Titleholder: Blue Lotus, Inc.
 - (C) 206 E. Livingston Avenue: Titleholder: Tracey J. marks; Mortgage holder: Mortgage Electronic Registration Systems, Inc.
 - (D) 3110 Woodland Avenue, Titleholder: Susan M. Hahn; Mortgage Holder: Iowa Savings Bank.
 - (E) 1342 11th Street, Titleholder: First National Acceptance Company; Contract Buyers: Joe Lee, Sandra Lee and Lamont Lovelady.
 - (F) 1822 21st Street, Titleholders: Irene F. Yeager and Leroy Stephens.
 - (G) 1023 27th Street, Titleholders: Brenda and Joe Zapata; Mortgage Holders: BNC Mortgage, Inc., Mortgage Electronic Registration Systems, Inc. and Michael Schumacher d/b/a SSW, LLC.

2. The Engineering Department to cause the removal of 2117 Washington Avenue, Titleholders: Edward Moss d/b/a E.M. Corporation, Susan Moss d/b/a E.M. Corporation, Reginald C. Moss, Mark Garris, Jeff Kline, Paultett Parker, Marcus J. Young and Ann Moss; Contract Buyer: Elision A. Cruz.

COMMUNICATIONS

3. Communication regarding demolition cost reserve escrowed by Allied Insurance for the fire-damaged house located at 1319 E. 12th Street.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003