

DES MOINES CITY COUNCIL MEETING

February 10, 2003 4:30 P.M.

SPECIAL PRESENTATIONS - 4:15 P.M.:

Special Recognition of Participants in the "YouthBuild Des Moines Program"

INVOCATION: Pastor Claude Jones

Douglas Avenue Presbyterian Church

1. ROLL CALL:

I. **4:30 PM** Presentation of the concept master plan and feasibility study for the Downtown Riverfront prepared by Principal Financial Group and request for the City to review and approve Phase 1.

[\(Council Communication No. 03-072\)](#)

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 57:

LICENSES AND PERMITS:

Approving

4. The following Beer/Liquor Applications:

NEW APPLICATIONS

- (1) Liza's, 509 E. 25th Street, C Liquor.
- (2) Mannings, 2102 Indianola Avenue, C Liquor.

RENEWAL APPLICATIONS

- (3) Rainbow Cleaning Machine, 4347 Merle Hay Rd., B Beer.
- (4) Shangri La Buffet, 4349 Merle Hay Rd., B Beer.
- (5) Candy Kitchen, 2024 Forest Avenue, C Beer.
- (6) Kum & Go #440, 821 E. Euclid Avenue, C Beer.
- (7) Tejis Corner Store, 800 19th Street, C Beer.
- (8) Tobacco Outlet Plus #503, 400 Euclid Avenue, C Beer.
- (9) AK OConnors, 4050 Urbandale Avenue, C Liquor.
- (10) American Pie, 6202 Douglas Avenue, C Liquor.
- (11) El Aquila Real Authentic Mexican Restaurant, 3600 Beaver Avenue, C Liquor.
- (12) Faces, 416 E. Walnut Street, C Liquor.
- (13) Firehouse Lounge, 1930 SE 6th Street, C Liquor.
- (14) Forty Three Restaurant, 1000 Walnut Street, C Liquor.
- (15) Looney Toons, 210 Indianola Avenue, C Liquor.
- (16) Tejis Corner Store, 800 19th Street, B Wine.
- (17) Dahls Foods, 1320 E. Euclid Avenue, E Liquor.
- (18) Dahls Foods, 3425 Ingersoll Avenue, E Liquor.
- (19) Dahls Foods, 1819 Beaver Avenue, E Liquor.
- (20) Dahls Foods, 3710 Hubbell Avenue, E Liquor.
- (21) Dahls Foods, 4343 Merle Hay Rd., E Liquor.

TRANSFER TO NEW LOCATION

(22) Blues on Grand, 400 4th Street, C Liquor. Temporary transfer from 1501 Grand Avenue to 400 4th Street (Kirkwood Civic Center Hotel) on February 15th and 16th, 2003 for a Blues Fest.

5. City Clerk to issue Cigarette Licenses.

6. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Approving private construction contract between The Underground Company, Ltd. (Duane Burkhardt, President, Contractor) and Tom Felice, 4000 Indianola Avenue, Owner for construction of Sanitary Sewer Improvements to extend north of the corner of SE 15th Street and E. Leach Avenue to serve Grandshire Estates Plat 1, \$45,933.

8. Approving private construction contract between McAninch Corporation, (Douglas D. McAninch, President, WDM, Contractor) and Clarke Company, Ltd. (John J. Clarke, Managing Partner, Owner) for storm sewer in Easter Bay Colony Plat 3 located at East Marion Street and proposed Easter Bay Court and East Marion Street and proposed Bay View Court, \$90,736.

9. Approving private construction contract between McAninch Corporation, (Douglas D. McAninch, President, WDM, Contractor) and Clarke Company, Ltd. (John J. Clarke, Managing Partner, Owner) for sanitary sewer in Easter Bay Colony Plat 3 located at East Marion Street and proposed Easter Bay Court and East Marion Street and proposed Bay View Court, \$112,900.

10. Approving private construction contract between Sternquist Construction, Inc. (Britt Sternquist, President, Indianola, Contractor) and Clarke Company, Ltd. (John J. Clarke, Managing Partner, Owner) for PCC paving in Easter Bay Colony Plat 3 located at East Marion Street and proposed Easter Bay Court and East Marion Street and proposed Bay View Court, \$99,414.

11. Approving Iowa Department of Transportation Agreement for 15th Street Corridor Improvements from Locust Street to Ingersoll Avenue.

[\(Council Communication No. 03-070\)](#)

12. Resolution Ordering Construction of the following:

(A) Branch Library Parking Lot Repair, Receiving of Bids, (2-25-03), and setting date of hearing, (3-10-03). (Construction Estimate - \$48,927).

(B) Drake Municipal Observatory ADA Entry, Receiving of Bids, (2-25-03), and setting date of hearing, (3-10-03). (Construction Estimate - \$75,500).

13. Accepting completed construction and approving final payment of the following:

(A) East Grand Avenue Parking Lot, \$5,997.43 is now due and \$5,790.15 at the end of thirty days.

(B) Wells Fargo Replacement Parking Lot, \$1,033.98 is now due and \$6,315.72 at the end of thirty days.

(C) 2002 Traffic Signal Modifications, \$10,307.50 is now due and \$3,242.50 at the end of thirty days.

(D) SW 12th Street Sanitary Sewer Repairs, \$6,079.38 at the end of thirty days.

(E) College Avenue Storm Sewer Improvements - 7th Street to 12th Street, \$1,290.10 is now due and \$16,991.23 at the end of thirty days.

(F) Grays Lake Resource Center - Phase 2, \$29,083.55 at the end of thirty days.

SPECIAL ASSESSMENTS

14. Resolution levying assessments for cost of sidewalk repair, replace or reconstruction by Public Works, Schedule No. 2002-34.

15. Approving deletion of NAC- Emergency Order Special Assessment against 1726 Des Moines Street, Schedule No. 2002-26, Certificate No. 00-08415-00, an administrative hearing was held and the charges were waived, \$145.

16. Authorizing Engineering Department Staff to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for the month of January 2003.

17. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of January 2003 for certification to the Polk County Treasurer.

LAND/PROPERTY TRANSACTIONS

18. Approving items regarding Brooks School site:

(A) Replacement Quit Claim Deed conveying portions of the East/West alley between Lyon and

Des Moines Street extending west from E. 22nd Street to Des Moines Independent Community School District.

(B) Partial Release of Reservations for a portion of E. 21st Street between Des Moines and Lyon Streets to Des Moines Independent Community School District to permit the site to be redeveloped for residential use.

[\(Council Communication No. 03-069\)](#)

19. NUMBER NOT USED

20. Authorizing the City Manager to proceed with acquisition of property at 4901 Fleur Drive by gift, sale or eminent domain for the Runway 5/23 Project.

21. Authorize payment of Judicial Bond for the holding of the Excess Appeal Award for acquisition of 106 SW 16th Street for the Martin Luther King, Jr. Parkway Project, \$1,014 annual premium.

22. Approve and accept real estate documents for property located at 2614 E. 35th Street for the Gay Lea Wilson Recreational Trail Project, closing costs only.

23. Approve and accept real estate documents for property located at 5400 and 5409 SW 9th for the SW 9th Widening at Porter Avenue Project, \$10,365 plus closing costs.

24. Approve and accept real estate documents for property located at 5601 SW 9th Street, for the SW 9th Widening at Porter Avenue Project, \$26,000 plus closing costs.

25. Approve and accept real estate documents for property located at 2820 Holcomb, for the Closes Creek Storm Water Improvement Project, \$150 plus closing costs.

26. Establish fair market value and authorizing acquisition of property at 107 5th Avenue (\$177,000) and 120 4th Street (\$470,000) for the Court Avenue District Redevelopment Project by gift, negotiation, or condemnation, \$647,000 plus closing costs.

27. Establish fair market value and authorizing acquisition of property located at the Northeast corner of East 4th Street and East Grand Avenue for Gateway East Project by gift, negotiation, or condemnation, \$565,000 plus closing costs.

28. Approving the following Tax Abatement Items:

(A) Tax Abatement Applications for value added by improvements made during calendar year 2002, 2001 or 2000 - (392 applications).

(B) Two late filed Tax Abatement Applications, 2121 - 36th Street, and 2543 East Marion for work done prior to the year 2000.

[\(Council Communication No. 03-062\)](#)

29. Establish Fair Market Value and authorize acquisition of property at 1501 Ingersoll Avenue for 15th Street Corridor by gift, negotiation or condemnation.

30. Approving Tax Abatement Application for additional value added to 1830 Allison Avenue by improvements made during calendar year 2001, and request the County Assessor apply application retroactively as if it had been timely processed by the City.

(Council Communication No. 03-063)

BOARDS/COMMISSIONS/NEIGHBORHOODS

31. Recommendation of Council Member Frank Cownie to reappoint Timothy J. Urban to Seat 4 on the City Plan Commission for a five year term commencing July 2, 2002 to expire July 2, 2007.

32. Recommendations for the Traffic Safety Committee as follows:

(A) Council Member Frank Cownie to reappoint George Robinson to Seat 2 for a three year term commencing December 31, 2002 to expire December 31, 2005.

(B) Council Member Christine Hensley to appoint Mary Anne McBride to Seat 6 for a three year term commencing December 31, 2002 to expire December 31, 2005.

33. Recommendations for the Urban Design Review Board as follows:

(A) Council Member Frank Cownie to appoint Jeffrey Morgan to Seat 2 for a term to expire June 30, 2004.

(B) Council Member Christine Hensley to appoint Brian Clark to Seat 6 for a term to expire June 30, 2003.

(C) Council Member Tom Vlassis to appoint Emily C. Lawson to Seat 8 for a term to expire

June 30, 2004.

34. Recommendation of Council Member Frank Cownie to appoint Jeffrey Morgan to Seat 4 on the Skywalk Committee to expire June 30, 2004.

35. Communication from Kimberly Hansen advising of her resignation from Strategic Planning Commission (Seat 2) effective immediately.

(A) Recommendation of Council Member Christine Hensley to appoint Kimberly Hansen to the Neighborhood Revitalization Board, (Seat 9) for a three year term commencing June 30, 2002 to expire June 30, 2005.

SETTING DATE OF HEARINGS

36. On conveyance of property at 2614 and 2808 E. 35th Street (Lots 935 and 938) to George and Kimberly Flippo for property interests required by the City for the Gay Lea Wilson Recreational Trail, (2-24-03).

37. On proposed amendment to the Annual Budget for current fiscal year ending June 30, 2003, (2-24-03).

(A) On proposed Annual Budget for fiscal year ending June 30, 2004, (2-24-03).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

38. Approving payment of \$1,492.60 to Guy R. Cook of Grefe & Sidney, P.L.C. for representation of Officer Joseph Morgan in case of Joyce Wilson and Val Wilson, Jr. as Administrators of estate of Jerome LeRoy Mozee vs. City, Joseph Morgan and Terry Mitchell.

39. Approving payment of \$9,009.68 to Duncan, Green, Brown, Langeness & Eckley for representation of City in matters relating to the airport parking garages.

40. Approving payment of \$915.76 to Jane McAllister of Ahlers Law Firm for environmental law counsel services to the City in conjunction with acquisition regarding environmentally contaminated properties for Martin Luther King, Jr. Parkway Project (DICO).

41. Approving payment of \$1,675.62 to Spiegel and McDiarmid Law Firm for consultation relating to the Riverpoint West Redevelopment, Brownfields Showcase and related projects.

CITY MANAGER COMMUNICATIONS

42. Regarding redevelopment project in the Eastern Gateway proposed by SOHO Development, LLC.

[\(Council Communication No. 03-065\)](#)

43. Submitting out-of-state travel for Kurt Bender, Rahn Bjornson, and Leonard Murray.

[\(Council Communication No. 03-064\)](#)

APPROVING

44. Use of Southview Manor, 2417 SW 9th Street as a poll site for special election to be held Tuesday, February 11, 2003.

45. Weed and Seed Categorical Assistance Progress Report for the period of July 1, 2002 to December 31, 2002 for submission to the U.S. Department of Justice.

[\(Council Communication No. 03-068\)](#)

46. Weed and Seed project agreement with the Human Services Planning Alliance (HSPA) for the Neighborhood Small Grants Program.

47. One-year renewal of existing contract with McGladrey & Pullen, LLP, as the City's independent financial auditor for auditing services for fiscal year ending June 30, 2003, not to exceed \$73,972.

[\(Council Communication No. 03-067\)](#)

48. Conversion of the current adopted FY2003 Budget to the new format mandated by the State of Iowa, in compliance with GASB34, (reporting format changes only).

49. Appraisal Services Agreement with Carlson, McClure and Associates, Inc. for the Agrimergent Technology Park Project, \$28,900.

50. Annual Printrak Maintenance Agreement for repair and service of the Police Department's AFIS Workstation and the Livescan Fingerprint Processing System beginning May 1, 2003 and expiring April 30, 2004, \$31,072.

[\(Council Communication No. 03-061\)](#)

51. One year extension of current contract prices for emulsified asphalt materials submitted by Bituminous Materials & Supply (Michael J. Kelly, President).

[\(Council Communication No. 03-066\)](#)

52. Bids for the following:

(A) Office Depot Business Services Division (Jerry Hoffman, District Manager, WDM) for annual contract with two renewal options for office supplies for City Departments. (Eight bids mailed, six received). **(Deferred from January 27th)**.

(B) ASAP Software Express, (Buffalo Grove, IL) per State of Iowa Contract number CT2545 for Microsoft software products to be used by the Information Technology Department, \$32,103.89.

53. Civil Service Entrance Lists for Housing Services Maintenance Mechanic B, Building and Grounds Superintendent, Fleet Services Analyst, and Sewer Operations Analyst.

54. Authorizing Finance Director to draw checks on the registers of February 14 and February 21, 2003; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 10 and February 17, 2003; and to draw checks for biweekly payroll due on February 21, 2003.

55. Legislative Update for the 80th Iowa General Assembly.

ORDINANCES - FINAL CONSIDERATION

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

ORDINANCES - SECOND CONSIDERATION

57. Amending Chapter 82 of the Municipal Code to change seat criteria on the Neighborhood Revitalization Board and provide for recommendation of eligible candidates for open positions on the Board.

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

ORDINANCES - FIRST CONSIDERATION

58. Approving fees for pawnbroker and secondhand goods dealer licenses to be included in the Schedule of Fees.

(A) First consideration of ordinance amending chapter 30 of the Municipal Code regarding pawnbrokers and secondhand goods dealer licenses.

59. Approving a permit fee for removal of underground storage tanks to be included in the Schedule of Fees.

[\(Council Communication No. 03-074\)](#)

(A) First consideration of ordinance amending Chapter 46 of the Municipal Code regarding fire protection systems and equipment, connection to fire department communication center for fire alarm monitoring and removal of underground storage tanks.

60. Approving Building Code fees for filings, appeals, inspections, exams and licenses to be included in the Schedule of Fees.

(A) First consideration of ordinance amending Chapter 26 of the Municipal Code regarding Building and Building Regulations.

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

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

(1) Corner Clearance--East Side of 32nd Street, North of University Avenue.

(2) Two-Sided Parking Restriction--Both Sides of Washington Avenue between 9th Street and 10th Street.

(3) One-Sided Parking Restriction--East Side of 26th Street between Kingman Boulevard and University Avenue.

(4) Temporary Traffic Control Devices-Crocker Street at 6th Avenue and 7th Street.

62. Reaffirming the City of Des Moines' exercise of jurisdiction over the subdivision of land within the City boundaries and within the unincorporated areas within Polk and Warren Counties within a two mile radius of the City boundaries.

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

63. Amending Chapter 38 of the Municipal Code regarding payment of Police and Fire False alarms.

[\(Council Communication No. 03-073\)](#)

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

COUNCIL REQUESTS

64. From Mayor Daniels for Council letter of support of \$8,000 donation from the Convention and Visitors Bureau, to help fund publishing the book Grotesques in Des Moines, Iowa and Abroad.

65. From Council Member Hensley to discuss use of excess property along I-235 in the City of Des Moines for special zoning purposes.

COMMUNICATIONS/REPORTS

66. From Rodney Allbee, 4875 NW Lovington Drive, regarding limousine drop off and pick up at the airport.

67. From Bradley Hamilton, 422 E. Locust Street, regarding East Gateway Study and acquisition of the Asian Market on E. Grand Avenue.

68. From Charles Hintz, 4608 Crestmoor Drive, regarding Remote Control Locomotive operation by Union Pacific Railroad.

INFORMAL HEARINGS (Opened at _____ P.M.) (Item 69)

69. To receive citizen input and comments regarding the Capital Improvement Program (CIP)

and Operating Budgets.

HEARINGS (Opened at _____ P.M.) (Items 70 thru 77)

70. On request from Neighborhood Development Corporation to rezone property at 601 Forest Avenue from "C-1" (Neighborhood Retail Commercial District) to Ltd. "NPC" (Neighborhood Pedestrian Commercial District) subject to conditions.

(A) First consideration of ordinance above.

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

71. Items regarding request from Imagine Homes Inc. to rezone property at 6300 SW 12th Street from "R1-60" (One Family Low Density Residential District) to "R-2" (One and Two Family Residential District).

(A) Recommendation from City Plan Commission and approving amendment to the Des Moines 2020 Community Character Land Use Plan, (requires 6 votes for approval).

(B) Hearing to rezone.

(C) First consideration of ordinance above.

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

72. On Police Dispatch Center Renovation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Bergstrom Construction, Inc., (Tom Gorgas, President), \$210,900.

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

73. On request from Science Center of Iowa, to rezone property generally between SW 3rd and SW 5th, north of SW Martin Luther King Jr. Parkway, and south of Market Street, from "C3-R" (Central Business District Mixed-Residential) to "PUD" (Planned Unit Development), and approval of the PUD Conceptual Plan, subject to modifications.

(A) First consideration of ordinance above.

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

74. On vacation and conveyance of N/S alley adjoining 802 Gray Street to Bonnie Sullivan for \$25.

(A) First consideration of ordinance above.

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

75. On appeal from Beate Torbor, 1000 School Street, #57, regarding recommended denial of a Taxicab License.

76. On appeal from Kenneth Marotti, 825 S. 11th Street, Adel, regarding recommended denial of a Limousine License.

77. On conveyance of property in the vicinity of 2808 E. 35th Street (Lot 934), to Jodine Kingery, as part of the negotiated agreement for property interests required for the Gay Lea Wilson Recreational Trail.

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

CITY MANAGER RECOMMENDATIONS

78. Consideration of City Manager's recommendation to appoint Assistant Police Chief, William McCarthy, as Police Chief.

APPROVING

79. Lease Agreement with Nextel Partners for rental space at Plymouth Place, 42nd and Ingersoll, for Police and Fire Radio Communication equipment.

[\(Council Communication No. 03-071\)](#)

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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

February 10, 2003

MOTION TO CONVENE

COMMUNICATION

1. Regarding demolition cost reserve escrowed for 413 E. 21st Street.

HEARINGS

2. On resolution to demolish and remove dangerous structure or to determine appropriate equitable action to be taken at 3350 Evergreen Avenue (vacant) Titleholder: Anthony W. Bradley; Legal Interest Holder: Countrywide Home Loans, Inc., d/b/a America's Wholesale Lender, Attn: Prentice Hall Corporation Systems, Registered Agent.

AUTHORIZING

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

(A) 1215 Euclid Avenue (vacant) Titleholders: James D. and Anna M. Sommers.

(B) 1339 Forest Avenue (vacant), Titleholders: Christine Frank and 5914 Tonka, LLC, Attn: John Davis, Registered Agent; Heirs of Marie L. Gripp: Virginia Frank, Eloise Dickinsen and Josephine McLeskey; and Legal Interest Holders: Martha A. and James Schaer, Albert W. Wald.

(C) 406 Kirkwood Avenue (vacant), Titleholder: Ruth L. Flippo a/k/a Ruth L. Stiles; and Contract Buyers: Michael D. and Terrienne L. Scully.

(D) 1327 14th Street (occupied) Titleholders: Inie Clement and Augustine Akpan; Contract Buyers: William and Stephanie Bright; and Legal Interest Holders: West Des Moines State Bank, Attn: Michelle Belden, Vice President and Z Fin 31, Attn: John Zajicek.

MOTION TO ADJOURN at _____ P.M.