

**DES MOINES CITY COUNCIL MEETING**

**June 7, 2004 4:30 P.M.**

**SPECIAL PRESENTATIONS**

Discover New Trails @ Your Library – Des Moines Public Library Summer Reading Program

**PROCLAMATIONS**

Homeownership Month

U.S. Army’s Birthday

Iowa Juneteenth Celebration

**INVOCATION:** Pastor Daniel Witkowski  
St. Johns Lutheran 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 75:

**LICENSES AND PERMITS**

- 4. Approving Alcoholic Beverage applications for the following:

**NEW APPLICATIONS**

(A)	LOVELY FOOD MART - CONOCO	4503 FLEUR DR	C Beer
(B)	MING DYNASTY BUFFET	4804 SW 9TH ST	B Beer

### RENEWAL APPLICATIONS

(C)	AIR LANES	4200 FLEUR DR	C Liquor
(D)	ART HOUSE ON INGERSOLL	2809 INGERSOLL AVE	C Liquor
(E)	BEEGS LOUNGE	3418 E 14TH ST	C Liquor
(F)	CJS II	316 E 30TH STREET	C Liquor
(G)	COURT AVENUE BREWING CO	309 COURT AVE	C Liquor
(H)	ESTRADAS RESTAURANT	3029 MERLE HAY ROAD	C Beer/Wine
(I)	FOUR POINT BY SHERATON	1810 ARMY POST RD	B Liquor
(J)	GERRIS	232 E 30TH ST	C Liquor
(K)	GIT N GO STORE #11	3940 E 29TH ST	C Beer
(L)	H & A MINI MART	145 UNIVERSITY AVE	C Beer
(M)	HILLTOP LOUNGE & REST	2820 HUBBELL AVE	C Liquor
(N)	KING YING LOW RESTAURANT	223 4TH STREET	C Beer/Wine
(O)	OKOBOJI GRILL OF SDSM	200 ARMY POST RD	C Liquor
(P)	ORIGINAL CONEY ISLAND	501 LOCUST ST	B Beer
(Q)	PLAZA PUB	6202 DOUGLAS AVE	C Liquor
(R)	RACING CORNER	2956 E GRAND AVE	C Liquor
(S)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Liquor
(T)	TAVERN SOUTH PIZZA & PASTA	1106 ARMY POST RD	C Beer/Wine
(U)	TOBACCO OUTLET PLUS #519	3144 SE 14TH STREET	C Beer

### OUTDOOR SERVICE APPLICATIONS

(V)	COURT AVENUE BREWING CO	309 COURT AVE	C Liquor	Temporary outdoor service area in conjunction with the City View Celebration on July 10, 2004. Pending approval of Building Department.
(W)	CENTRO RESTAURANT	25 E COURT AVE	C Liquor	Five Day License for Des Moines Arts Festival June 25, 2004 through June 27, 2004. Pending approval of Building Department.
(X)	CHUCKS RESTAURANT	3612 6TH AVE	B Beer	Five Day License for the Annual Highland Park Sweet Corn Feed on July 17, 2004. Pending approval of Building Department.
(Y)	EMBASSY SUITES	25 E WALNUT AVE	B Beer	Five Day License for Booth A at the Des Moines Arts Festival on June 25, 26 and 27, 2004. Pending approval of Building Department.
(Z)	EMBASSY SUITES	25 E WALNUT AVE	B Beer	Five Day License for Booth B at the Des Moines Arts Festival on June 25, 26 and 27, 2004. Pending approval of Building Department.
(AA)	EMBASSY SUITES	25 E COURT AVE	B Beer	Five Day License for Booth C at the Des Moines Arts Festival on June 25, 26 and 27, 2004. Pending approval of Building Department.
(BB)	EMBASSY SUITES	25 E COURT AVE	B Beer	Five Day License for Booth D at the Des Moines Arts Festival on June 25, 26 and 27, 2004. Pending approval of Building Department.
(CC)	EMBASSY SUITES HOTEL	25 E COURT AVE	B Beer	In conjunction with the Latino Festival effective June 12, 2004. Pending approval of Building Department.
(DD)	EMBASSY SUITES HOTEL	25 E COURT AVE	B Beer	In conjunction with the Latino Festival effective June 12, 2004. Pending approval of Building Department.
(EE)	EMBASSY SUITES HOTEL	2101 FLEUR DR	B Beer	

In conjunction with Nitfall on the River effective on June 24, 2004.

(FF) RACCOON RIVER BREWING CO 25 E WALNUT AVE C Liquor  
For the Des Moines Arts Festival June 25, 26 and 27, 2004. Pending approval of Building  
Department.

5. Approving Class C Liquor License application for Hickman Pub, 2335 Hickman Rd. (Deferred from the May 17, 2004 Council Meeting).
6. City Clerk to issue Cigarette Licenses.

## **PUBLIC IMPROVEMENTS**

7. Ordering construction of the following:
  - (A) 2004 City-wide PCC Pavement Restoration Program – Receiving of Bids, (6-29-04), and Setting Date of Hearing, (7-12-04), (Construction Estimate - \$155,880).
  - (B) 15<sup>th</sup> Street and Woodland Avenue Traffic Calming – Receiving of Bids, (6-29-04), and Setting Date of Hearing, (7-12-04), (Construction Estimate - \$439,881).
  - (C) 10<sup>th</sup> Street and 12<sup>th</sup> Street Reconstruction – Receiving of Bids, (6-29-04), and Setting Date of Hearing, (7-12-04), (Construction Estimate - \$345,000).
    - (1) Approving the recommendation of the Landmark Review Board, to issue a Certificate of Appropriateness for alterations to Esther Hall, 921 Pleasant Street.  
  
([Council Communication No. 04-271](#))
  - (D) Polk Boulevard and Ingersoll Avenue Intersection Streetscape – Receiving of Bids, (6-29-04), and Setting Date of Hearing, (7-12-04), (Construction Estimate - \$112,837.30 base bid, \$128,637.30 with add alternates).
  - (E) 30<sup>th</sup> Street and Hickman Road Traffic Signal Upgrade – Receiving of Bids, (6-29-04), and Setting Date of Hearing, (7-12-04), (Construction Estimate - \$135,000).
  - (F) American Discovery Trail – Receiving of Bids, (6-15-04), and Setting Date of Hearing (7-12-04), (Construction Estimate - \$1,056,000).

- (1) Establishing Fair Market Value and authorizing acquisition of property located north of Thomas Beck Road between vacated SW 12<sup>th</sup> Street and SW 7<sup>th</sup> Street for American Discovery Trail-Riverpoint segment by gift, negotiation or condemnation.

[\(Council Communication No. 04-275\)](#)

8. Approving Professional Services Supplemental Agreement No. 2 with Stanley Consultants Inc. (Greg Thermopulos, President) in conjunction with Des Moines River Outfall & Overflow, not to exceed \$526,580.

[\(Council Communication No. 04-289\)](#)

9. Approving Iowa Department of Transportation Change Order to Keo Way (Birds Run) Phase 1 Storm Sewer Outlet for removal and replacement of concrete pavement in 3<sup>rd</sup> Street from Watson Powell Way to Park Street, \$71,647.40.

[\(Council Communication No. 04-291\)](#)

10. Approving private construction contract between Eco-Tech Construction LLC and Vacco Properties, Inc. for sanitary sewer, storm sewer and paving improvements in Stanton Landing Plat 1, Stanton Avenue and SW 29<sup>th</sup> Street.

11. Approving private construction contract between Elder Corporation and Mora Inc. for sanitary sewer improvements in the Mora Inc. Retail Center, 1420 Des Moines Street.

12. Accepting completion and recommending acceptance of the following Private Construction contracts:

- (A) Venter Spooner, Inc., and QuikTrip Corporation for construction of Street Improvements, extension of Railroad Avenue east from 63<sup>rd</sup> Street to 62<sup>nd</sup> Street.

- (B) Grimes Asphalt & Paving Corp. and Denis Della Vedova, Inc. for construction of Street Improvements for widening of north side of Francis Avenue, approximately 530' west of 30<sup>th</sup> Street, to provide bus drop-off area for James Monroe School at 2250 30<sup>th</sup> Street.

13. Approving designation of lowest responsible bidder as S. J. Louis Construction, Inc., (James Schueller, Owner, Waite Park, MN), contract and bond and permission to sublet for E. 20<sup>th</sup> Street Connector Trunk Sewer, \$5,069,405.

14. Approving contract and bond for Grand Avenue at Watson Powell Way Emergency Sewer Repair with The Underground Company, (Richard Warren, Vice President, DSM) - \$45,000.
15. Communication from M. Peterson Construction Co. requesting permission to sublet certain items on SW 9<sup>th</sup> Street Widening at Porter Avenue.
16. Authorization to proceed and authorization to acquire right-of-way for the Beaver and Adams Avenue Sanitary Sewer Relocation, \$ 50,000 (estimated).

[\(Council Communication No. 04-282\)](#)

17. Accepting completed construction and approving final payment for the following:
  - (A) Central Place Sanitary Sewer Relining Program, Insituform Technologies USA, Inc.
  - (B) Nahas Aquatic Center Filter Backwash Treatment, Pool Tech Midwest, Inc.
  - (C) Iowa DOT Combined Traffic Signal Interconnect Program, J. F. Edwards Construction Co.

## **SPECIAL ASSESSMENTS**

18. Approving deletion of special assessment at 1548 22<sup>nd</sup> Street.

## **LAND/PROPERTY TRANSACTIONS**

19. Approve and accept real estate documents for property at 12606 Adams Street for the Southeast Ridge Trunk Sanitary Sewer Project, \$4,371 plus closing costs.
20. Approve and accept real estate documents for property at 1330 Grand Avenue, and 1429-1433 Locust Street for the Western Gateway Project, \$ 395,000 plus closing costs.
21. Approve and accept real estate documents for property at 4141 Colfax Avenue for the Four Mile Trunk Replacement Project, \$ 420 plus closing costs.

22. Approve and accept real estate documents for property at 5125 McKinley Avenue for the Airport Runway 13R/31L Project, \$238,400 plus closing costs.

## **COMMUNICATIONS FROM PLANNING AND ZONING**

23. Regarding request from Steve Lipovac for a preliminary subdivision plat for MARY ESTEL ACRES, 3300 block of Scott Avenue, for development of seven single-family residential lots.
24. Regarding request from Vacco Properties, Inc. for a preliminary subdivision plat STANTON LANDING, 2800 block of Stanton Avenue, for development of 25 single-family residential lots.
25. Regarding request from Amazing Grace Ministries, 1500-23<sup>rd</sup> Street, for vacation and conveyance of an irregular-shaped dead-end portion of Clark Street running west from 23rd Street and a 110' segment of north/south alley, north of Clark Street.
26. Regarding request from American Land and Redevelopment Corporation, for vacation and conveyance of a segment of Monroe Street right-of-way adjacent to 1300 SE 1<sup>st</sup> Street, and for vacation and conveyance of a portion of SE 1<sup>st</sup> Street right-of-way, outside the public sidewalk, adjoining 1306 SE 1<sup>st</sup> Street, subject to conditions.
27. Regarding request from Ralph Henderson for vacation and conveyance of the east/west segment of alley between Clark Street and College Avenue, running from 9<sup>th</sup> Street, west to the north/south alley.
28. Regarding request from John Swackhamer for vacation and conveyance of an irregular portion of Colfax Avenue immediately west of the applicant's property between the right-of-way line and the traveled way of the adjoining public secondary frontage road, subject to conditions.
29. Finding the proposed public parking structure to be developed for the City by Employers Mutual Casualty Company on the block southwest of 7<sup>th</sup> Street and Mulberry, to be in conformance with the 2020 Community Character Plan.
30. Regarding request from The Shops at Roosevelt, LLC for the following:

- (A) Vacate and convey a segment of north/south alley between 41<sup>st</sup> and 42<sup>nd</sup> from Rollins Avenue to a point 250 feet to the north, subject to conditions.
- (B) Setting Date of Hearing on request to rezone 833-42<sup>nd</sup> Street from “C-1” (Neighborhood Retail Commercial) and “R1-60” (One Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial), (6-21-04).

## **SETTING DATE OF HEARINGS**

- 31. On request from Ora Thomas d/b/a Thomas Used Cars to rezone property at 1220 Ure Street and 1223 E. 21<sup>st</sup> Street from “R1-60” (One Family Low Density Residential) to Ltd “C-2” (General Retail and Highway Oriented Commercial), (6-21-04).
  - 32. On request from William Sexton to rezone property at 1022 Des Moines Street from “C-O” (Commercial-Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow for conversion of the existing single-family dwelling to a coffee shop, subject to conditions, (6-21-04).
  - 33. On request from Townsend Engineering Company to amend the PUD Conceptual Plan for the property at 2323 Hubbell, to allow for expansion of an existing office building to the south toward Dubuque Avenue for a new meat laboratory to be used for research and development purposes, (6-21-04).
- [\(Council Communication No. 04-274\)](#)
- 34. On vacation and conveyance of the dead end portion of the north/south alley north of E. Ovid Avenue between Cornell and Columbia Streets to the Des Moines Independent Community School District, \$25, (6-21-04).
  - 35. On vacation and conveyance of the east/west alley between Ingersoll Avenue and Grand Avenue from 16<sup>th</sup> to 17<sup>th</sup> Street, to Iowa Paint Manufacturing, \$65,500, (6-21-04).

36. Items regarding sale of City-owned property at 711-16<sup>th</sup> Street:
- (A) Resolution approving selection of Hatch Development Group LLC as developer and Setting Date of Hearing on sale of property in vicinity of lots 18-21, \$40,213, (6-21-04).  
  

[\(Council Communication No. 04-263\)](#)
  - (B) Setting Date of Hearing on sale of the south 11 feet of Lot 17, to Judy Hill, \$2,387, (6-21-04).

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

- 37. Approving payment of \$588 to Chester C. Woodburn III of Hansen, McClintock & Riley for representation of Ron Wakeham in Barbara A. Rodgers v. City of Des Moines.
- 38. Approving payments of \$1,139.54 and \$29.50 from Myers & Jenkins and Tishler & Wald, Ltd. for representation of the City in the UAL Corporation Bankruptcy, (\$1,169.04).
- 39. Approving payment of \$8,336.30 to Joseph Case for injuries sustained during course and scope of his employment.
- 40. Approving payment of \$24,865.97 to Ahlers & Cooney, P.C. for consultation and legal services regarding revision of Wastewater Reclamation Authority Agreement.
- 41. Approving payment of \$283.50 to Sullivan & Ward, P.C. for assistance in matters pertaining to the National Pollution Discharge Elimination System Permit (NPDES).

#### **CITY MANAGER COMMUNICATIONS**

- 42. Submitting out-of-state travel request for William Stowe.  
  

[\(Council Communication No. 04-247\)](#)

43. Submitting various traffic regulation changes as follows:
- (A) Revisions to On-Street Parking-Area of E. 11<sup>th</sup> Street and Des Moines Street.
  - (B) Petition for Two-Sided Parking Restriction-800 Block of E. Bell Avenue.
  - (C) Corner Clearance-West Side of E. 36<sup>th</sup> Court, South of E. Euclid Avenue.
  - (D) Corner Clearance-North Side of Burlington Terrace, East of Nash Drive.
  - (E) Corner Clearance-East Side of Nash Drive, South of Burlington Terrace.
  - (F) Removal of Parking Meter Spaces-East Side of 5<sup>th</sup> Avenue, North of Grand Avenue.
  - (G) Adjustment to Corner Clearances and Parking Meters-8<sup>th</sup> Street between Center Street and Crocker Street.
  - (H) Additional On-Street Parking-East Side of SW 5<sup>th</sup> Street, North of Tuttle Street.
  - (I) Extension of Nighttime Parking Restriction-North Side of Locust Street between 11<sup>th</sup> Street and 12<sup>th</sup> Street.
  - (J) One-Sided Parking Restriction-North Side of College Avenue from 8<sup>th</sup> Street to 9<sup>th</sup> Street.
  - (K) Parking Restrictions to Facilitate Solid Waste Operations-SE 4<sup>th</sup> Street from Burnham Avenue South and any part of the cul-de-sac and Gleaves Court from East Ovid Avenue to and including any part of the cul-de-sac.
  - (L) Parking Restriction to Facilitate Solid Waste Operations-Both Sides of the 4600 block of Wakonda Parkway and including any part of the cul-de-sac.
  - (M) Additional Metered On-Street Parking Spaces-East Side of East Sixth Street near East Grand Avenue and Des Moines Street.

[\(Council Communication No. 04-288\)](#)

44. Regarding preliminary terms of agreement with Court Avenue Partners II, L.P., (Rick Tollakson, President, Hubbell Realty Company) for the redevelopment of City-owned property between 3<sup>rd</sup> and 5<sup>th</sup> Streets, south of Court Avenue.

[\(Council Communication No. 04-293\)](#)

45. Regarding preliminary terms of agreement with Court Avenue Partners, I, L.P. (Rick Tollakson, President, Hubbell Realty Company) for the rehabilitation of upper three floors of 302-310 Court Avenue (f/k/a Spaghetti Works).

[\(Council Communication No. 04-294\)](#)

## **APPROVING**

46. New Grant Awards for the 2003 Supportive Housing Program Grant Agreements with HUD for the following:

- (A) Local Homeless Programs – Primary Health Care-Street Outreach Team, \$170,000.

[\(Council Communication No. 04-256\)](#)

- (B) Local Homeless Programs – Iowa Homeless Information System (HMIS) Expansion Project, \$171,284.

[\(Council Communication No. 04-257\)](#)

47. Renewal Grant Awards for the 2003 Supportive Housing Program Grant Agreements with HUD for the following:

- (A) Local Homeless Programs – Buchanan Transitional Living Center, \$298,174.

[\(Council Communication No. 04-250\)](#)

- (B) Local Homeless Programs – Lighthouse Transitional Living Program, \$862,068.

[\(Council Communication No. 04-255\)](#)

48. PY2005 Notices of Funding Availability (NOFA) for First Year Action Plan (2005) of 2005-2009 Housing and Urban Development (HUD) Consolidated Plan.

[\(Council Communication No. 04-290\)](#)

49. Carry over of unspent CDBG funds (\$97,199) to the 2005 Program Year and allocate additional 2004 Home Investment Partnerships (HOME) Program and Emergency Shelter Grant (ESG) funds.

[\(Council Communication No. 04-262\)](#)

50. Amendment to the 2004 Program Year HUD Consolidated Plan that will facilitate the City's receipt of \$148,737 of American Dream Downpayment Initiative (ADDI) funding.

[\(Council Communication No. 04-261\)](#)

51. Certificates of Consistency with 2000-2004 Consolidated Plan and EZ/EC Strategic Plan for the following:

- (A) Citizens for Community Improvement (CCI).

[\(Council Communication No. 04-284\)](#)

- (B) Home Opportunities Made Easy, Inc. (HOME, Inc.).

[\(Council Communication No. 04-283\)](#)

52. Approving request to Polk County Treasurer for assignment of 2002 and 2004 Tax Certificates for the following:

- (A) 2002 Tax Certificate – 922-24<sup>th</sup> Street.

- (B) 2002 Tax Certificate – 1543-9<sup>th</sup> Street.

- (C) 2004 Tax Certificate-1800-7<sup>th</sup> Street.

- (D) 2004 Tax Certificate-800-24<sup>th</sup> Street.

- (E) 2004 Tax Certificate-814-29<sup>th</sup> Street.

[\(Council Communication No. 04-272\)](#)

- (F) Request from Lynn Wright, 1806 8<sup>th</sup> Street, regarding River Bend Association's request to remove several properties, including 1543 9<sup>th</sup> Street, from the June certificate tax sale.

53. Preliminary terms of an Economic Development Agreement with Excell Marketing in conjunction with expansion of Airport Commerce Park West Urban Renewal Area and Tax Increment Area and proposed extension of SW 56<sup>th</sup> Street.

[\(Council Communication No. 04-281\)](#)

54. Neighborhood Commercial Revitalization Program Loan in the amount of \$175,000 to Gayland Properties, LLC for renovations to 428 and 430 East Locust Street.

[\(Council Communication No. 04-285\)](#)

55. Whiteline Lofts, L.P.'s application for Enterprise Zone Benefits for 64 condominium units at 120 SW 5<sup>th</sup> Street.

[\(Council Communication No. 04-292\)](#)

56. Second Amendment to the Memorandum of Understanding with Des Moines Development Corporation for the Gateway Project.

[\(Council Communication No. 04-296\)](#)

57. 2004 Law Enforcement Terrorism Prevention Program Grant, (\$854,458) where the Des Moines Police Department will apply to be the lead agency in a new centralized criminal intelligence data sharing center with local, state and federal law enforcement agencies in the LEIN 5 District of Iowa.

[\(Council Communication No. 04-249\)](#)

58. Lease Agreement with Des Moines Rowing Club for use of building at Gray's Lake Park.

[\(Council Communication No. 04-276\)](#)

59. 28E Agreement with Polk County for mowing and maintenance of certain City-owned properties currently classified as Economic Development and Stormwater properties.

[\(Council Communication No. 04-265\)](#)

60. Form of Preliminary Official Statement and authorizing use of electronic bidding in conjunction with the sale of \$8,510,000 Stormwater Management Utility Revenue Bonds, Series 2004F.

[\(Council Communication No. 04-252\)](#)

61. Directing sale of the following bonds:

- (A) \$13,685,000 General Obligation Bonds, Series 2004C.
- (B) \$14,425,000 General Obligation Bonds, Series 2004D, (Urban Renewal).
- (C) \$4,830,000 General Obligation Bonds, Taxable Series 2004E.

[\(Council Communication No. 04-251\)](#)

62. Communications from Downtown Community Alliance requesting approval of the following banner designs:

- (A) On behalf of Meredith Corporation, seven (7) banners downtown on Locust Street to be displayed as soon as approved.
- (B) On behalf of Junior Olympics, 88 banners downtown on Locust Street, 5<sup>th</sup> Avenue, 8<sup>th</sup> Street, and Grand Avenue to be displayed in July and August.

63. Reappointment of Fire Chief Phillip Vorlander to the Polk County Emergency Management Commission for calendar year 2004.

64. Renewal of the Coventry Health Group Master Contract for those employees subject to the Police and Fire Collective Bargaining Agreements.

[\(Council Communication No. 04-266\)](#)

65. Administrative Services Only Agreement with Wellmark Blue Cross Blue Shield of Iowa for dental insurance coverage for retirees and active City employees.

[\(Council Communication No. 04-277\)](#)

66. Recommendation for diminution of employees in Housing Services Department.

[\(Council Communication No. 04-270\)](#)

67. Employee Payroll Deduction for purchase of Interment Rights at City cemeteries.

[\(Council Communication No. 04-267\)](#)

68. Extension of contract with Team Two, Inc. for ambulance billing services until September 30, 2004.

[\(Council Communication No. 04-254\)](#)

69. Contract Amendment with Emerging Solutions for improvements to the City's PeopleSoft Financials system, \$34,000.

[\(Council Communication No. 04-253\)](#)

70. Procurement of replacement pumps and related equipment for five sanitary lift stations from Electric Pump and Tool Services, Inc. (Dick Miller, President, 4280 NE 14<sup>th</sup> Street), \$142,418.

[\(Council Communication No. 04-286\)](#)

71. Bids from the following:

- (A) Bowman Distribution for an annual contract with two additional one-year renewal options to furnish fasteners and industrial hardware products. (Seven bids mailed, four received).
- (B) O'Halloran International (sole area-wide distributor) for a blanket order to purchase International Truck repair parts to be used by the Fleet Maintenance Center during FY 2005 estimated cost \$70,000.
- (C) EDM Equipment (sole area-wide distributor) for a blanket order to purchase Leach, Elgin and Vactor equipment repair parts to be used by the Fleet Maintenance Center during FY 2005 estimated cost \$75,000.
- (D) Mid-Iowa Solid Waste Equipment (sole area-wide distributor) for a blanket order to purchase Heil equipment repair parts to be used by the Fleet Maintenance Center during FY 2005 estimated cost \$30,000.
- (E) Elliott Equipment Company (sole area-wide distributor) for a blanket order to purchase Wayne and Kann equipment repair parts to be used by the Fleet Maintenance Center during FY 2005 estimated cost \$90,000.
- (F) Van Meter Industrial (sole area-wide distributor) for a blanket order to purchase Allen Bradley variable frequency drive system repair parts to be

used by the Wastewater Reclamation Facility during FY 2005 estimated cost \$40,000.

- (G) Ziegler (sole area-wide distributor) for a blanket order to purchase Caterpillar equipment repair parts to be used by the Fleet Maintenance Center during FY 2005 estimated cost \$50,000.
- (H) Eddy Walker Equipment Company for a street sweeper to be used by the Wastewater Reclamation Facility, \$84,969. (Four bids mailed, three received).

[\(Council Communication No. 04-248\)](#)

- (I) Grainger Industrial Supply from WSCA price agreement #6146 for a blanket order to purchase miscellaneous industrial supplies and equipment to be used by the Wastewater Reclamation Facility during FY 2005 estimated cost \$45,000.
- (J) Construction Materials Inc. as primary supplier and Logan Contractors Supply as secondary supplier for an annual contract with two additional one-year renewal options to furnish re-bar materials to be used by the Public Works Department. (Four bids mailed, two received).
- (K) Fisher Scientific per State of Iowa Contract number CT1264MV for a blanket order to purchase miscellaneous laboratory supplies to be used by the Wastewater Reclamation Facility during FY 2005 estimated cost \$25,000.

- 72. Civil Service Entrance Lists for Police Officer, Senior Public Safety Dispatcher, Treasury Manager, and Network Technician.
- 73. Authorizing Finance Director to issue checks on the registers of June 10 and June 17, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of June 7 and June 14, 2004; and to draw checks for biweekly payroll due employees on June 11, 2004.

**ORDINANCES - FINAL CONSIDERATION**

- 74. On vacation of the North/South alley adjoining 3009 SW 9<sup>th</sup> Street.

**ORDINANCES - SECOND CONSIDERATION**

- 75. Amending Chapter 2 of the Municipal Code regarding procurement by solicitation of competitive bids, and procurement by request for proposals.

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

**ORDINANCES - FIRST CONSIDERATION**

- 76. Amending Chapter 82 of the Municipal Code, regarding administration and funding of the Public Arts Program, to eliminate the Public Arts Commission and provide for administration of the Program by a non-profit agency.

[\(Council Communication No. 04-287\)](#)

- (A) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.

**COMMUNICATIONS/REPORTS**

- 77. From Marylyn Bruce, 833 Walker Street, regarding the City’s neighborhood sign ordinance.
- 78. From Douglas A. Bruck, 3840 – 4<sup>th</sup> Street, requesting the reissuance without an additional fee of the expired building permit for construction of a single family dwelling at 813 SE 28<sup>th</sup> Street.

[\(Council Communication No. 04-260\)](#)

- 79. From Matt Johnson, 4521 Fleur, Suite F, requesting to speak regarding signage for small business owners.

80. From Gerald LaBlanc, 8912 N.E. 46<sup>th</sup> Avenue, Altoona, requesting to speak regarding replacing the Woodland Cemetery Memorial Arch.

**HEARINGS (Opened at \_\_\_\_\_ P.M.) (Items 81 thru 93)**

81. On amending Gas Franchise Ordinance by extending term of franchise with MidAmerican Energy Company and amending franchise fees provided in ordinance.

[\(Council Communication No. 04-264\)](#)

- (A) First consideration of ordinance above.

82. On amending Electric Franchise Ordinance by extending term of franchise with MidAmerican Energy Company and amending franchise fees provided in ordinance.

[\(Council Communication No. 04-264\)](#)

- (A) First consideration of ordinance above.

83. On Assessment of \$300 penalties to five cigarette permittees for violation of Iowa Cigarette Laws, sale to minors.

84. On intent to commence Public Improvement Projects to construct the following, and to acquire agricultural land for the projects.

- (A) Clover Hill Trunk Sanitary Sewer.

- (B) WRA Four Mile Interceptor Extension.

85. Items regarding the proposed Fleur Drive Commercial Urban Renewal Area:

[\(Council Communication No. 04-273\)](#)

- (A) Report and recommendation from the City Plan and Zoning Commission regarding the conformance with the City's Comprehensive Plan

- (B) Finding the proposed urban renewal area constitutes a blighted area and an economic development area appropriate for redevelopment for commercial use.

(continued on next page)

- (C) Closing the Hearing and approving the proposed Urban Renewal Plan.
  - (D) First consideration of ordinance above.
  - (E) Final consideration of ordinance above, (waiver requested by Raccoon Valley Investment Company, L.C.), requires 6 votes.
  - (F) Approving Urban Renewal Development Agreement with Raccoon Valley Investment Company, L.C. represented by Michael Coppola, for redevelopment of portion of the Urban Renewal Area.
86. On Proposed Connection Fee Ordinance for Southeast Ridge Area Trunk Sewer System Benefited District.
87. On Voluntary Annexation of territory at 3930 SE 72<sup>nd</sup> Avenue, (approximately 212 acres), and to continue to July 12, 2004 at 5:30 P.M.
88. On SE 14<sup>th</sup> Street and Indianola Avenue Turn Lane and Signal Modifications: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as P.G. Construction Inc., (Paul Purdy, Vice President, DSM), \$180,003.45.
- (A) Approving contract and bond and permission to sublet.
89. On Western Gateway Improvements at 12<sup>th</sup> Street and Grand Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Larson & Larson Construction, LLC, (Jeffrey C. Larson, President, DSM), \$205,000.
- (A) Approving contract and bond and permission to sublet.
90. On 2004 HMA Pavement Milling & Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating

lowest responsible bidder as Des Moines Asphalt & Paving Co., (James Gauger, DSM), \$895,500.

(A) Approving contract and bond.

91. On Closes Creek-Neirob Court Storm Water Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt, President, DSM), \$1,208,386.

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

(B) Approving Professional Services Supplemental Agreement No. 2 with Snyder & Associates, Inc., (Stephen P. Rowe, President, Ankeny) for design services for Bennett Avenue and Nierob Court/26<sup>th</sup> Street - \$40,980.

[\(Council Communication No. 04-280\)](#)

92. On Upper Union Park Sewer Separation Phase II: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and submission of bids.

93. On Thomas Beck Storm Sewer Repair West of SW 9<sup>th</sup> Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Van Hauen & Associates, (Mark Van Hauen, CEO/President, Clive), \$139,930.

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

[\(Council Communication No. 04-295\)](#)

END HEARINGS AT \_\_\_\_\_ P.M.

## **BOARD OF HEALTH**

MOTION TO CONVENE.

### **HEARING**

1. On resolution to cause the removal of the structures located at 2935 Walker Street by administrative process and to charge for the enforcement costs incurred in bringing an administrative removal action or to determine appropriate equitable action to be taken, Titleholder: Erik Abild; Mortgage Holder: First National Acceptance Company.

### **AUTHORIZING**

2. Court authority to abate the public nuisance at the following locations:
  - (A) 2152 Capitol Avenue, Titleholders: Gilbert Andreini d/b/a Jer-Ela Properties and Larry Barry d/b/a Jer-Ela Properties.
  - (B) 2711 Chicago Avenue, Titleholder: First National Acceptance Company.
  - (C) 2320 Dean, Titleholder: Ronald Alford; Tax Certificate Holders: Cheryle Barieri-Disney and B2 Real Estate Fund, LP.
  - (D) 2443 Des Moines Street, Titleholder: Jer-Ela Properties.
  - (E) 1915 Martin Luther King Jr. Parkway, Titleholder: Juanita Barker; Legal Interest Holder: Ace Bail Bonds, Inc.; Tax Certificate Holder: Katherine Halloran d/b/a Wyoming 107 and Michelle Fournier d/b/a Wyoming 107.
  - (F) 449 Tonawanda Drive, Titleholders: James F. Hiatt, Michael A. Hiatt, Patrick E. Hiatt; Tax Certificate Holder: Christine Frank d/b/a Tax 221.
  - (G) 1427 22<sup>nd</sup> Street, Titleholder: Z Fin 40.
  - (H) 973 27<sup>th</sup> Street, Titleholder: Lois A. Ousley a/k/a Lois A. Ousley-Edwards; Mortgage Holder: U.S. Bank N.A. and Lederman Bonding Company; Tax Certificate Holder: RM/US Bank.
3. The Engineering Department to remove the structure located at 3012 E. 8<sup>th</sup> Street, Titleholder: Harold Cronin and Jeri Cronin a/k/a Jeri Starr; Mortgage Holder: Contract Finance, LC and US Bank Association; Tax Certificate Holder: MM/US Bank
4. Release of fire escrow accounts for the following structures:

- (A) Release of demolition cost reserve held by State Farm Insurance Companies regarding property known as 2728 College Avenue insured by Lonnie Dafney.
- (B) Release of demolition cost reserve held by State Farm Insurance Companies held under claim number 15-E068-956 regarding property known as 2552 E. Grand Avenue insured by Elpha Lerche.

**COMMUNICATION**

- 5. Communication regarding demolition cost reserve being held by State Farm Insurance Companies for the fire damaged structure at 4031 4<sup>th</sup> Street.

MOTION TO ADJOURN AT \_\_\_\_\_ P.M.