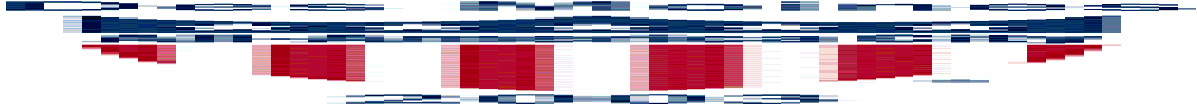


DES MOINES CITY COUNCIL MEETING

June 20, 2005



Municipal Housing Governing Board Meeting – 4:30 P.M.

Regular Meeting – 4:40 P.M.

INVOCATION: Pastor Tony Thurston
College Avenue Christian Church

1. ROLL CALL:

Allied Insurance Safe City Driving Award.

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 47:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License applications for the following:

NEW APPLICATIONS

(A)	BEST TRIP Beer	1516 SE 1ST ST	C
(B)	HUGH'S JUNGLE ROOM Liquor	5715 DOUGLAS AVE	C
(C)	LOS LAURELES Liquor	1518 E GRAND AVE	C

RENEWAL APPLICATIONS

(D)	AIR LANES Liquor	4200 FLEUR DR	C
(E)	BEGGARS BANQUET Beer	2306 UNIVERSITY AVE	B
(F)	BLANK PARK ZOO Liquor	7401 SW 9TH STREET	C
(G)	CREATIVE CROISSANTS Liquor	5800 FLEUR	C
(H)	DES MOINES COMMUNITY PLYHSE Liquor	831 42ND ST	C
(I)	H & A MINI MART Beer	145 UNIVERSITY AVE	C
(J)	HILLTOP LOUNGE & RESTAURANT Liquor	2820 HUBBELL AVE	C
(K)	HOTEL FORT DES MOINES Liquor	1000 WALNUT ST	B
(L)	HOUSE OF BRICKS Liquor	525 E GRAND AVE	C
(M)	JOHNNYS HALL OF FAME LOUNGE Liquor	302 COURT AVE	C
(N)	KELLEYS Liquor	3606 BEAVER AVE	C
(O)	LA MIE BAKERY AND REST. Beer/Wine	841 42ND ST	C
(P)	LOCUST TAP Liquor	434 E LOCUST ST	C
(Q)	PALMERS PUB Liquor	1030 E 9TH STREET	C
(R)	POLK COUNTY CONVENTION Liquor	501 GRAND AVE	C
(S)	QUIKTRIP #530 Beer	2300 E 14TH ST	C
(T)	QUIKTRIP #534 Beer	2945 E UNIVERSITY AVE	C
(U)	QUIKTRIP #554 Beer	901 SW 63RD	C
(V)	SOUTHSIDE TOBACCO & LIQUOR Liquor	2424 SW 9TH ST	E
(W)	SPLASH SEAFOOD BAR & GRILL Liquor	303 LOCUST ST	C
(X)	VETERANS MEMORIAL AUD. Liquor	833 5TH AVENUE	C

TRANSFER TO NEW LOCATION

(Y) EMBASSY CLUB 400 LOCUST STREET C
Liquor

(1) Temporary transfer of license from 1011 Locust St. for June 25 and 26, 2005. Pending approval of Building, Electrical and Zoning Departments.

(Z) SCHAFFERS 504 E LOCUST ST B
Wine

(1) Permanent transfer of license from 601 E Locust. Pending approval of Building and Electrical Departments.

OUTDOOR SERVICE APPLICATIONS

(AA) CHUCKS RESTAURANT 3608 6TH AVE C
Liquor

(1) Temporary outdoor service in conjunction with Highland Park Sweet Corn Feed on July 16, 2005.

(BB) OVATIONS FOOD SERVICES 233 CENTER ST C
Liquor

(1) Temporary outdoor service in conjunction with Grand Opening of Wells Fargo Arena on July 12, 2005. Pending approval of Building, Electrical, Fire and Zoning Departments.

SPECIAL EVENTS APPLICATIONS

(CC) CONCESSION SPOT 23 3000 E GRAND AVE B
Beer

(1) Fourteen Day License from August 9 to August 23, 2005 for Iowa State Fair.

5. Consideration of Class C Liquor License for Carls Place, 1620 Woodland Avenue. (Deferred from May 23, 2005 Council Meeting.)
6. City Clerk to issue Cigarette Licenses.
7. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

8. Resolution Ordering Construction of the following:
 - (A) Cownie Soccer Stadium Expansion – Receiving of Bids, (7-12-05), and Setting Date of Hearing, (7-25-05). (Construction Estimate - \$463,600).

[\(Council Communication No. 05-344\)](#)

- (B) Warren County Roadway Improvements Phase 1 – Receiving of Bids, (7-12-05), and Setting Date of Hearing, (7-25-05). (Construction Estimate - \$182,000).
9. Approving completion and recommending acceptance of the following Private Construction Contracts:
- (A) Sternquist Construction, Inc. and Clarke Company, Ltd. for Paving Improvements in Woods on the River Plat #8, vicinity of Whispering Ridge Drive and East King Avenue.
 - (B) The Underground Company, Ltd. and Clarke Company, Ltd. for Sanitary Sewer Improvements in Woods on the River Plat #8 near SE 22nd Street and King Avenue.
 - (C) The Underground Company, Ltd. and Clarke Company, Ltd. for Storm Sewer Improvements in Woods on the River Plat #8 near SE 22nd Street and King Avenue.
 - (D) Grimes Asphalt and Paving Corp. and Des Moines Independent Community School District for Street Improvements, east side of 31st Street between Center Avenue and Woodland Avenue.
 - (E) Elder Corporation and Des Moines Independent Community School District for Street Improvements, south side of Capitol Avenue easterly of East 15th Street.
 - (F) M. Peterson Construction Co. and Sheldahl & Associates, Inc. for Street Paving Improvements in Lakewood Cove, west of SE 34th Street and north of Evergreen Drive.
 - (G) Corell Contractor, Inc. and Sheldahl & Associates, Inc. for Sanitary Sewer Improvements in Lakewood Cove, west of SE 34th Street and north of Evergreen Drive.
 - (H) Corell Contractor, Inc. and Sheldahl & Associates, Inc. for Storm Sewer Improvements in Lakewood Cove, west of SE 34th Street and north of Evergreen Drive.
 - (I) Echo-Tech Construction, L.L.C. and Vacco Properties, Inc. for Paving Improvements in Lakewood Cove Phase 2, SE 34th Street and Evergreen Drive.

- (J) Rhiner's Plumbing Company, Inc. and Vacco Properties, Inc. for Sanitary Sewer Improvements in Lake Cove Phase 2, north of Evergreen Drive and west of SE 34th Street.
 - (K) Rhiner's Plumbing Company, Inc. and Vacco Properties, Inc. for Storm Sewer Improvements in Lake Cove Phase 2, north of Evergreen Drive and west of SE 34th Street.
10. Approving Private Construction Contract between Corell Contractor, Inc. and Drake University for Sanitary Sewer Improvements in vacated Clark Street from 27th to 28th Street.
 11. Approving completion and recommending acceptance for the following:
 - (A) Glendale Cemetery Water Service - Advanced Underground Construction.
 - (B) Indianola Avenue Connector – EcoTech Construction, L.L.C.

SPECIAL ASSESSMENTS

12. Approving levying assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development and Public Works) for the following:
 - (A) Schedule No. 2005-07.
 - (B) Schedule No. 2005-06.
13. Approving deletion of NAC-Emergency Assessments at 912 Arthur Avenue.

LAND/PROPERTY TRANSACTIONS

14. Real estate documents for the Gay Lea Wilson Trail Project in vicinity of E. 35th Street & Arthur Avenue, closing costs only.
15. Real estate documents for the Closes Creek Storm Water Improvements-26th Street Detention Basin Project, \$8,300 plus closing costs.
16. Real estate documents for property at 1414 Grand Avenue for the Western Gateway Project, \$117,000 plus closing costs.

17. Establishing fair market value and authorizing acquisition of property at 6226 Grand Avenue for the American Discovery Trail, Walnut Creek Trail-south of Grand Segment Project, \$11,400 plus closing costs.
18. Approving final subdivision plat entitled NORAH GRACE PARK, located between SW 4th and SW 5th Streets, south of Wall Avenue.

(Council Communication No. 05-357)

- (A) Communication from City Plan and Zoning Commission giving Conditional Approval of request from LAB Investments Company, Inc. (Owner) represented by Steve Lipovac to allow provision of four (4) lots for single-family residential development.

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. Recommendation from Council Member Michael Kiernan to appoint Lynn Wright to Seat 12 on the Neighborhood Revitalization Board for a three-year term commencing June 30, 2005 to expire June 30, 2008.
20. Recommendation from Council Member Christine Hensley to reappoint following:
 - (A) Kimberly Hansen to the Neighborhood Revitalization Board, Seat 9 for a three-year term commencing June 30, 2005 to expire June 30, 2008.
 - (B) T. Anthony Welch to the Access Advisory Board, Seat 6 for a four-year term commencing June 15, 2005 to expire June 15, 2009.
 - (C) Jacob Christensen to the Urban Design Review Board, Seat 10 for a three-year term commencing June 30, 2005 to expire on June 30, 2008.

COMMUNICATIONS FROM PLANNING AND ZONING

21. Regarding request from City Engineer to vacate a segment of 14th Street between Grand Avenue and Locust Street for implementation of the adopted Western Gateway Plan.

SETTING DATE OF HEARINGS

22. On vacation and conveyance of portions of north/south alleys in two blocks between SE 6th and SE 7th Street bisected by Shaw Street, previously vacated portion of Shaw Street between SE 6th and SE 7th Streets and the south ½ of Lot 5, north of and adjoining vacated Shaw Street, to James C. and Juliet Cunningham, (7-18-05).

[\(Council Communication No. 05-353\)](#)

23. On vacation and conveyance of air rights over east/west alley adjoining 112-11th Street to Heritage Affordable Housing, (7-18-05).

[\(Council Communication No. 05-341\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. Approving payment of \$17,098.42 to Ahlers & Cooney, P.C. for bond counsel services.
25. Approving payment of \$22,038.60 to James Moran for workers compensation claim for a permanent injury.

CITY MANAGER COMMUNICATIONS

26. Submitting traffic regulation changes as follows:
- (A) Corner Clearance–west side of SW 13th Place, north of Elder Lane.
 - (B) Corner Clearance-west side of 15th Street, north and south of Bridal Row.
 - (C) Corner Clearance-south side of Caulder Avenue, east of SW 12th Place.
 - (D) Corner Clearance-east side of E. 8th Street, north of east Douglas Avenue.
 - (E) Corner Clearance-west side of E. 9th Street, south of East Seneca Avenue.
 - (F) Corner Clearance-north side of Hillcrest Drive, east of Lower Beaver Road.
 - (G) Parking restriction to facilitate movement of solid waste vehicles-north side of Randolph Street from SW 12th Street to the dead end.

- (H) Installation of parking metered spaces-south side of Park Street between 6th Avenue and 7th Street.

[\(Council Communication No. 05-348\)](#)

- 27. Submitting out-of-state travel requests for Raymond Carrington, Christopher Scott, Matt Towers, John Leporte, and David Lockard.

[\(Council Communication No. 05-337\)](#)

APPROVING

- 28. Emergency Shelter Grant (ESG) Contract with the Iowa Department of Economic Development for funding from of July 1, 2005 to June 30, 2006.

[\(Council Communication No. 05-339\)](#)

- 29. Des Moines Area Community College and HOME, Inc. Certificate of Consistency with the City's current Consolidated Plan.

[\(Council Communication No. 05-356\)](#)

- (A) Central Iowa Employment & Training Consortium Certificate of Consistency with the Current Consolidated Plan.

- 30. Professional Services Agreement with Gould Evans Goodman Associates, L.C. (Robert Gould, Owner/Principal, Kansas City, MO) for Highway 5 and North River Master Plan consisting of Development Plan, Economic and Market Analysis, FEMA Flood Insurance Study Map Revision and Storm Water Planning, not to exceed \$550,000.

[\(Council Communication No. 05-351\)](#)

- 31. Issuance of Certificate of Completion to Nelson Development, L.L.C. for Parking Structure Development-Metro Center Urban Renewal Project.

[\(Council Communication No. 05-364\)](#)

- 32. Urban Renewal Development Agreement with WKKS Properties, L.C. for rehabilitation and renovation of former Des Moines Tire Building, Whiteline Lofts, 120 SW 5th Street for residential condominium units and parking improvements.

- (A) Communication from Urban Design Review Board.

33. First Amendment to Development Agreement for The Metro Lofts, between 2nd Avenue and 3rd Street, north of Vine and approving Revised Conceptual Development Plan.

[\(Council Communication No. 05-354\)](#)

(A) Communication from Urban Design Review Board.

34. Request for 2005 Tax Sale Certificate on vacant lot at 1339 Forest and authorizing City Manager to solicit proposals for development of housing on the lot.

[\(Council Communication No. 05-363\)](#)

35. Application for Enterprise Zone Benefits to K.C. Holdings VI, L.L.C. regarding a project in Des Moines Gateway Enterprise Zone for construction of 30 condominium units at 418 6th Avenue (Liberty Building).

[\(Council Communication No. 05-342\)](#)

36. AmeriCorps Service Grant Agreement authorizing City participation in the AmeriCorps Program from May 1, 2005 until April 30, 2006.

[\(Council Communication No. 05-345\)](#)

37. Communication from Downtown Community Alliance requesting approval on behalf of Meredith Corporation to approve banner design for seven banners in downtown on Locust during summer of 2005.

38. 2005/2006 Intergovernmental 28E Shared Use Agreement with Des Moines Independent School District.

[\(Council Communication No. 05-347\)](#)

39. Annual Insurance Renewal for July 1, 2005 Property and Casualty Insurance with Jester Insurance Services, Inc.

[\(Council Communication No. 05-365\)](#)

40. Proposal from Iowa Plains Signing, Inc. (Jeff Koudelka, General Manager, Slater, IA) to provide hauling and placement of concrete barriers and traffic control device placement, not to exceed \$40,000.

[\(Council Communication No. 05-340\)](#)

41. Equipment Loan Agreement with John Deere Des Moines Works for the use of four utility vehicles by the Des Moines Fire Department.

[\(Council Communication No. 05-338\)](#)

42. Amendment to Microsoft Enterprise Software Assurance Agreement from ASAP Software Express (Buffalo Grove, IL) for use by the WRA.

43. Bids from the following:

- (A) Dewey Ford for one 15,000 GVW truck to be used by the Street Maintenance Division, \$49,635. (Eleven bids mailed, five received).

[\(Council Communication No. 05-343\)](#)

- (B) Charles Gabus Ford for one four wheel drive utility vehicle to be used by the Hazardous Materials Response Team, \$25,921. (Eleven bids mailed, two received).
- (C) Chas. W. Goering for water service stop box relocation services to be used by the Street Maintenance Division, \$28,008. (Twelve bids mailed, four received).
- (D) Hawkeye Truck Equipment (sole area wide distributor) for Heil dump body and Monroe and Boss snowplow equipment repair parts during fiscal year 2006 to be used by the Fleet Maintenance Center.
- (E) Mid-Iowa Solid Waste Equipment (sole area wide distributor) for Heil refuse truck equipment repair parts during fiscal year 2006 to be used by the Fleet Maintenance Center.
- (F) Eddy-Walker Equipment Company (sole area wide distributor) for Wayne refuse truck and Henderson dump body equipment repair parts during fiscal year 2006 to be used by the Fleet Maintenance Center.
- (G) Midland Equipment (sole area wide distributor) for Case equipment repair parts during fiscal year 2006 to be used by the Fleet Maintenance Center.
- (H) Murphy Tractor & Equipment (sole area wide distributor) for John Deere equipment repair parts during fiscal year 2006 to be used by the Fleet Maintenance Center.

- (I) Road Machinery & Supplies (sole area wide distributor) for Komatsu loader and Roadscan truck body equipment repair parts during fiscal year 2006 to be used by the Fleet Maintenance Center.
 - (J) O'Halloran International (sole area wide distributor) for International Truck repair parts during fiscal year 2006 to be used by the Fleet Maintenance Center.
 - (K) EDM Equipment (sole area wide distributor) for Elgin sweeper equipment repair parts during fiscal year 2006 to be used by the Fleet Maintenance Center.
 - (L) Elliott Equipment Company (sole area wide distributor) for Kann recycler bodies and Vac-con sewer cleaner equipment repair parts during fiscal year 2006 to be used by the Fleet Maintenance Center.
 - (M) Ziegler (sole area wide distributor) for Caterpillar equipment repair parts during fiscal year 2006 to be used by the Fleet Maintenance Center.
44. Civil Service Entrance Lists for Police Officer, Housing Services Building Maintenance Supervisor, Housing Conservation Inspector, Fleet Services Welder, Laboratory Analyst II and Promotional Lists for Sewer Maintenance Worker, Fire Lieutenant, and Fire Captain.
45. Authorizing Finance Director to draw checks on registers of June 23, 2005 and June 30, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of June 20, 2005 and June 27, 2005; and to draw checks for biweekly payroll due June 24, 2005.

ORDINANCES - FINAL CONSIDERATION

46. 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.

ORDINANCES - SECOND CONSIDERATION

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

COUNCIL REQUESTS

- 48. From Council Member Vlassis to discuss stop lights at 38th and 48th on Hickman.

COMMUNICATIONS/REPORTS

- 49. From James S. Cownie regarding donation to James W. Cownie Soccer Park.
- 50. From Bob Wessel, 2719 Leach, requesting to speak regarding the Des Moines Water Works.
- 51. Petitions from area residents requesting paving on E. 21st Street from Milton Avenue to the dead end north.
- 52. Petition from area residents requesting paving on SW 5th Street from Broad Street to Virginia Avenue.
- 52I. From Cynthia J. Gatch, requesting to speak regarding the police department.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 53 THRU 58)

- 53. 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).
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by applicant and Council Member Vlassis), requires 6 votes.
- 54. On items regarding City-initiated downzoning of property along the south side of the 1800 block of Euclid Avenue:
 - (A) Approval of amendment to the Des Moines 2020 Community Character Land Use Plan, to change the future land use designation from Park Open Space to Auto-Oriented Small-Scale Strip Development.

- (B) Resolution closing the hearing and approving proposed rezoning of 1810 Euclid Avenue from “M-1” (Light Industrial) to Ltd. “C-2” (General Retail and Highway Oriented Commercial).
 - (C) First consideration of ordinance above.
 - (D) Resolution closing the hearing and approving proposed rezoning of the balance of the property from “M-1” (Light Industrial) to “C-1” (Neighborhood Oriented Commercial).
 - (E) First consideration of ordinance above.
55. On 2005 City-wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Castle Concrete Services Inc. (Anthony Castellano, President), \$152,290.
- (A) Approving contract and bond.
56. On 2005 Expanded Street Resurfacing Program – Arterial: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Des Moines Asphalt & Paving Co. (Jim Gauger, President), \$1,525,085.50.
- (A) Approving contract and bond and permission to sublet.
57. On 2005 Expanded Street Resurfacing Program – Residential: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Des Moines Asphalt & Paving Co. (Jim Gauger, President), \$975,402.
- (A) Approving contract and bond and permission to sublet.
58. On 2005 Sidewalk Replacement Program – Designated Neighborhoods: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as T K Concrete Inc. (Tony J. Vermeer, President), \$153,025.
- (A) Approving contract and bond.

END HEARINGS AT _____P.M.

APPROVING

59. ~~Request For Proposal (RFP) for reuse of former Science Center of Iowa Building in Greenwood Park.~~

~~[\(Council Communication No. 05-346\)](#)~~

60. Iowa Department of Transportation Agreement for Fleur Trail Connector/Underpass and Intergovernmental 28E Agreement with Des Moines Water Works.

[\(Council Communication No. 05-349\)](#)

61. Receive and file Board of Adjustment decision regarding conditional use variance for Jerry Sale (Lessee) dba Lower Beaver Conoco, 4540 Lower Beaver Road.

[\(Council Communication No. 05-355\)](#)

62. Authorization and allocation of \$50,000 Grant to Polk County Board of Supervisors.

[\(Council Communication No. 05-358\)](#)

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.

1. Request from Council Member Chris Hensley, to discuss term limits of certain Boards and Commissions. SPONSOR: Hensley.

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:
 - (A) 2932 Dubuque Avenue, Titleholders: Dina Ross and Mary Ross.
 - (B) 1210 York Street, Titleholder: Adam Broderick; Mortgage Holder: Polk County Bank.
 - (C) 3106 6th Avenue, Titleholder: Rebekah Eggers; Mortgage Holder: Citifinancial Mortgage Company, Inc.
 - (D) 1919 11th Street, Titleholder: Vern Bennett Enterprises, LC.

2. The Engineering Department to cause the removal of the following structures:
 - (A) 2050 E. Army Post Road, Titleholders: Kenneth Hunt and Francis Hunt.
 - (B) 2080 E. Army Post Road, Titleholder: Kenneth Hunt and Francis Hunt.
 - (C) 1002 E. 9th Street, Titleholder: Jose Gonsales.

COMMUNICATION

3. Communication regarding demolition cost reserve being held by Allied Insurance for the fire-damaged house located at 1238 Creston.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003

