

DES MOINES CITY COUNCIL MEETING

August 11, 2003 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

(a) National Health Center Week

SPECIAL PRESENTATIONS - 4:00 P.M.:

(a) Recognition of Dowling High School's Debate and Speech Team - Winners of the "Top School of the Nation" Award

(b) Recognition of Des Moines Rotary's "Officers of the Year" Award

(c) Recognition of Angela Connolly - "2003 County Leader of the Year"

(d) Recognition of Merrill Stanley - Certificate of Achievement for Excellence in Financial Reporting

(e) National Flood Insurance Program - Community Rating System

INVOCATION: Council Member Tom Vlassis

1. ROLL CALL:

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 50:

LICENSES AND PERMITS:

Approving

4. The following Beer/Liquor Applications:

RENEWAL APPLICATIONS

- (1) Casey's General Store, 3527 Indianola Avenue, C Beer.
- (2) Des Moines Asian Food, 1623 6th Avenue, C Beer.
- (3) Knudson's Valley Bait, 2248 George Flagg Pkwy., C Beer.
- (4) Phillips 66 Company, 4402 Douglas Avenue, C Beer.
- (5) AMF Des Moines Lanes, 3839 E. 14th Street, C Liquor.
- (6) Croatian Fraternal Slavic Center, 6575 Indianola Avenue, C Liquor.
- (7) Dragon House East, 2470 E. Euclid Avenue, C Liquor.
- (8) Fraternal Order Of Eagles, 6567 Bloomfield Road, C Liquor.
- (9) Jazzy Willy's, 5715 Douglas Avenue, C Liquor.
- (10) Judge Roy Bean's, 210 Court Avenue, C Liquor.
- (11) Los Compadres, 1440 Maury Street, C Liquor.
- (12) Suds On 2nd, 2801 2nd Avenue, C Liquor.

TRANSFER TO NEW LOCATION

(13) Blues On Grand, 1501 Grand Avenue, C Liquor. Temporary transfer to Kirkwood Civic Center Hotel, 400 4th Street on August 31, 2003 for a Blues Festival. Pending Building, Electrical and Fire Inspections.

OUTDOOR SERVICE APPLICATIONS

(14) Court Avenue Brewing, 309 Court Avenue, C Liquor. Temporary outdoor service area in conjunction with the Brewfest on August 31, 2003. Pending Building Inspection.

5. City Clerk to issue Cigarette Licenses.

6. City Clerk to issue Coin Operated Machines Licenses.

PUBLIC IMPROVEMENTS

7. Resolution Ordering Construction of the following:

(A) Glendale Cemetery HMA Overlay, Receiving of Bids, (8-26-03), and Setting Date of Hearing, (9-8-03). (Construction Estimate - \$55,000).

(B) Skywalk 4F-5F Skylight Replacement, Receiving of Bids, (8-26-03), and Setting Date of Hearing, (9-8-03). (Construction Estimate - \$148,000).

8. Professional Engineering Services Agreement Amendment No. 1 with Brown and Caldwell Environmental Engineers & Consultants for the WRA Secondary Treatment Aeration System Improvements design, not to exceed \$64,402.

[\(Council Communication No. 03-392\)](#)

9. Approving Joint Funding Agreement with the U.S. Department of Interior, Geological Survey for the operation and maintenance of six gaging stations in the Des Moines area.

[\(Council Communication No. 03-394\)](#)

10. Approving Supplemental Agreement No. 2 with Snyder and Associates, Inc. (Stephen P. Rowe, President, Ankeny) for professional services in conjunction with the 15th Street Corridor Project, \$21,000.

[\(Council Communication No. 03-391\)](#)

11. Authorization to proceed with McKinley Avenue Widening which is included in the 2003-2004 Capital Improvements Program.

[\(Council Communication No. 03-393\)](#)

12. Communication from M. Peterson Construction Co. for the SW 9th Street Widening at Porter Avenue requesting permission to sublet certain items on the project.

13. Resolution accepting completed construction and approving final payment of Martin Luther King, Jr. Parkway Stormwater Pump Station at SW 14th Street, \$188,980.22 remaining balance to be paid at the end of thirty days.

14. Approving Private Construction Contract between McAninch Corporation, (Douglas D. McAninch, President, West Des Moines) and Clarke Company, Ltd. (John J. Clarke, Partner, Des Moines) for construction of storm sewer improvements in Woods on the River Plat 1.

15. Approving Private Construction Contract between Corell Contractor, Inc., (Steve Corell, President, West Des Moines) and Principal Life Insurance Company, (Max Johnson, V.P.) for construction of street and sidewalk improvements for Pleasant Park Subway Passage waterproofing improvements.

SPECIAL ASSESSMENTS

16. Authorizing City Manager to proceed with Sidewalk Program/Request to Repair Sidewalk, waivers signed by fifteen (15), Program/Request To Repair Driveway waives signed by three (3) property owners; and Curb Replacement Program/Request to Repair Driveway, waivers signed by two (2) property owners.

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

18. Authorizing Engineering Department staff to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for July, 2003.

LAND/PROPERTY TRANSACTIONS

19. Approving final subdivision plat entitled BROOK RUN WEST, in vicinity east of Village Run Drive and south of East Douglas Avenue.

[\(Council Communication No. 03-376\)](#)

20. Approve and accept real estate documents for property at 700 East University for the 700 East University Sanitary Sewer Relocation Project, \$1.00 plus closing costs.

STREET CLOSURES

21. Approving recommendation of Street Use Team (SUT) to close the following streets:

(1) Janis Mathias, representing 54th Street Neighborhood Association, requesting permission to close 54th Street from 2807 to 2816 on Saturday, August 23, 2003 from 3 PM to 8 PM for a neighborhood block party.

(2) Jennifer McDonogh, requesting permission to close the curve of Arnold Road between 26th Street and 27th Street on Sunday, August 17, 2003 from 1 PM to 7 PM for a pig roast.

(3) Mark Cooper, representing Waterbury Neighborhood, requesting permission to close Cummins Parkway from Pleasant to Harwood on Sunday, August 31, 2003 from 2 PM to 8 PM for a neighborhood block party.

(4) Mark McMahon, representing 47th Street Neighbors, requesting permission to close 47th Street from New York to Urbandale on Saturday, August 23, 2003 from 5 PM to 11 PM for a neighborhood block party.

(5) Cheryl Tillinghast, representing Christ The King School, requesting permission to close SW 7th from Porter to Wall Avenue on Saturday, August 23, 2003 from 4 PM to 10 PM for a church

mass.

(6) Byron Johannes, representing SE 30th Street Neighborhood, requesting permission to close SE 30th Street from E. Kenyon Avenue to E. Cutler Avenue on Saturday, September 20, 2003 from 3 PM to 9 PM for a neighborhood block party.

(7) Tammy Pierson, representing 45th Street Neighbors, requesting permission to close 45th Street from Madison to Aurora on Sunday, August 24, 2003 from 4 PM to 8 PM for a neighborhood block party.

(8) Bonnie Green, representing Harwood Block Party, requesting permission to close Harwood Drive from Woodland Island to 44th, Broadway Place at Harwood on Sunday, August 31, 2003 from 4:30 PM to 9:30 PM for a neighborhood block party.

(9) Dick Wright, representing Owls Head Neighborhood Association, requesting permission to close Ridge Road from 28th Street to 29th Street on Sunday, August 31, 2003 (Raindate of Monday, September 1, 2003) from 12 PM to 8 PM for a neighborhood block party.

(10) Gretchen Alvestad, representing Shawnee Avenue Block Party, requesting permission to close Shawnee Avenue from 30th Street to 33rd Street on Saturday, September 6, 2003 from 5 PM to 8 PM for a neighborhood block party.

(11) Robert Thomas, representing 46th Street Neighbors, requesting permission to close 46th Street from Beavercrest to New York Avenue on Sunday, August 17, 2003 from 3 PM to 8 PM for a neighborhood block party.

(12) Angela Young, representing Mt. Hebron Church, requesting permission to close Forest Avenue from 9th to 10th Street and a portion of the alley located between 9th and 10th on Saturday, August 16, 2003 (Raindate of Saturday, August 23, 2003) from 10 AM to 4 PM for a children's carnival.

SETTING DATE OF HEARINGS

22. On grant of easements on City owned property in vicinity of Vandalia Road between SE 34th Street to the Board of Water Works Trustees for construction of a water main for the Agrimergent Technology Park Project. (8-25-03).

23. On proposed conveyance and sale of dead end stub of East Hughes Avenue running east of SE 8th Street to the Des Moines Independent School District, \$1.00, (8-25-03).

24. On sale of City owned alley between 40th Place and 41st Street north of Crocker Street to Lisa M. Davey, Stephen T. & Jane Dehaven, Karisa F. Runkel, and Robert T. Lennon, \$100, (8-25-03).

25. On voluntary annexation of property along the norther extension of 80th Avenue north of Adams Street in Warren County, owned by United Properties Investment Company, L.C. and Echo Valley Investment Company, L.C., Michael A Coppola, Managing Member, (10-6-03).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. Approving payment of \$218.35 to Ahlers & Cooney, P.C. for environmental law counsel services in conjunction with City's acquisition of DICO property.

27. Approving payment of \$229.50 to Sullivan & Ward, P.C. regarding matters pertaining to the National Pollution Discharge Elimination System Permit (NPDES) and environmental issues in lease and use agreements.

28. Approving payment of \$1,737.02 to William Jenkins and law firm of Myers & Jenkins for representation of the City in the UAL Corporation bankruptcy.

29. Approving payment of \$15,354.50 to Chester C. Woodburn III of Hansen, McClintock & Riley for representation of Ron Wakeham in David Griffith v. the City.

30. Approving payment of \$5,494.50 to Tim Howser for a contested case settlement of worker's compensation claim from an injury during course and scope of employment which will be submitted to the Iowa Worker's Compensation Commission.

CITY MANAGER COMMUNICATIONS

31. Submitting out-of-state travel for Mark Godwin, Gary Fox, Paul Stout, Robert Crouse, David Krehbiel, and James Renoe.

[\(Council Communication No. 03-375\)](#)

32. Submitting various traffic regulation changes as follows:

(1) Corner Clearance--North Side of Ingersoll Avenue East of 23rd Street.

(2) Revisions to Parking Restrictions Necessitated by Intersection Reconstruction.

(3) Designated Official State Highway Patrol Parking--East Side of Forest Drive South of Grand Avenue.

[\(Council Communication No. 03-395\)](#)

33. Submitting Congestion Mitigation and Air Quality Improvement Fund Applications through

the MPO to the Iowa Department of Transportation for traffic signal interconnection upgrading projects at SE 14th Street/Army Post Road Corridor and Fleur Drive Corridor.

[\(Council Communication No. 03-396\)](#)

34. Submitting applications to the Iowa Department of Transportation for traffic safety funds to cover a portion of constructions costs for the following projects:

- (1) 38th Street and Douglas Avenue Widening and Signalization
- (2) E. 14th/SE 14th Street Traffic Signal Visibility Improvements
- (3) E. 14th/E. 15th Street Traffic Signal Improvements (State Capitol area)
- (4) 2nd Avenue and Douglas Avenue Intersection Traffic Signal Upgrade

[\(Council Communication No. 03-383\)](#)

APPROVING

35. Quit Claim Deed for 1715 Franklin and Assignment of Real Estate Contract to United States Department of Housing and Urban Development (HUD).

[\(Council Communication No. 03-374\)](#)

36. Request for Release of Funds and Certification to U.S. Department of Housing and Urban Development (HUD) as a requirement for the Environmental Review process of the Housing Services Disposition Plan.

37. Community Services Block Grant (CSBG) Application made to Iowa Department of Human Rights/Division of Community Agencies for City of Des Moines Community Services Program for low-income persons from October 1, 2003 to September 30, 2004, \$527,645.

38. One year extension, to May 31, 2004, for Lease Agreement with American Property Management for office space at 3311 Ingersoll Avenue for the Woodland Willkie Neighborhood Site Office.

[\(Council Communication No. 03-381\)](#)

39. Agreement with the Iowa Department of Transportation for Capital Improvements at the Des Moines International Airport, \$393,594.

[\(Council Communication No. 03-382\)](#)

40. Memorandum of Understanding regarding Governance of the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) under amended and restated Chapter 28E Agreement relating to construction of certain interim improvements.

[\(Council Communication No. 03-387\)](#)

41. Recreation Enhancement and Protection Grants Applications to the Iowa Department of Natural Resources for the following:

(A) Assistance in construction of the proposed 1.5 mile segment of the American Discovery Trail that will connect the Kruidenier Trail at Gray's Lake with proposed Principal Riverwalk, \$300,000.

[\(Council Communication No. 03-390\)](#)

(B) Integrated Signage System on trails within Polk County and several cities within the Des Moines metropolitan area, \$28,000.

[\(Council Communication No. 03-388\)](#)

42. Grant Applications to Prairie Meadows for the following:

(A) Greater Des Moines Softball Park - \$50,000.

(B) Senior Golf Fee - \$35,500.

(C) Regarding support for grant application by the City of Altoona, for an integrated signage system for the Des Moines area recreational trails, \$28,000.

[\(Council Communication No. 03-389\)](#)

43. First Amendment to Development Agreement with Vine Street Limited Partnership for construction of 109 apartment units.

[\(Council Communication No. 03-379\)](#)

44. Request for extension, from Iowa State Bank Holding Company to August 1, 2004 for the purchase of City-owned real estate at the northwest corner of East 6th and East Walnut Streets, \$89,250.

45. CEBA Application to the State of Iowa, \$75,000, for a Des Moines Action Loan Fund Loan to Trans-Lux Midwest Corporation.

[\(Council Communication No. 03-384\)](#)

46. Certificate of Completion and Minimum Assessment Agreement for the Iowa State Bank Holding Company Economic Development Project, 601 E. Locust.

[\(Council Communication No. 03-386\)](#)

47. Bid from Norstan Communications, Inc. (West Des Moines, IA) per ICN State of Iowa Contract No. 99-041 for Siemens telecommunications equipment to be used by the Information Technology Department (voice-over IP upgrade), \$389,159.82.

[\(Council Communication No. 03-377\)](#)

48. Civil Service Entrance Lists for Building Equipment Operator, Traffic Analyst, Senior Construction Inspector, and Promotional Lists for Senior Refuse Collector, Senior Police Officer, Light Equipment Operator, Senior Horticulture Technician, Airport Crew Chief, and Sewer Cleaning Equipment Operator.

49. Authorizing Finance Director to issue checks on registers of August 15 and August 22, 2003; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of August 11 and August 18, 2003; and to draw checks for biweekly payroll due on August 22, 2003.

ORDINANCES - FINAL CONSIDERATION

50. Amending Chapter 34 of the Municipal Code to prohibit use of firearms in cemeteries.

ORDINANCES - SECOND CONSIDERATION

51. On vacation of alley right of way from E. Sheridan to Arthur between E. 23rd and E. 24th.

52. On vacation of the dead-end segment of Market Street, west of SW 5th Street.

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

ORDINANCES - FIRST CONSIDERATION

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

(A) Corner Clearance--East Side of 40th Street, South of Aurora Avenue.

(B) Designated Handicapped Parking--North Side of High Street, East of Martin Luther King, Jr. Parkway.

54. Amending Chapter 10 of the Municipal Code regarding penalties, fees, refunds and transfers of liquor licenses and permits, see updated fee schedule.

COMMUNICATIONS/REPORTS

55. Communication from Neighborhood Development Corporation submitting developer-initiated proposal for Commercial Node at intersection of Sixth and College Avenues in the Sixth Avenue corridor.

[\(Council Communication No. 03-380\)](#)

COUNCIL REQUESTS

55-I Request from Council Member Christine Hensley, to discuss illegal placement of real estate signs.

HEARINGS (Opened at _____ P.M.) (Items 56 thru 66)

56. On First Amendment to the Non-Commercial Aviation Operator Lease Agreement with Meredith Corporation, to remove a portion of the leased premise, (continued from July 28, 2003).

[\(Council Communication No. 03-397\)](#)

57. On proposed vacation and sale of alley to 10th Street Lofts, for use in renovating 110 and 112 - 10th Street, \$14,700.

(A) First consideration of ordinance above.

58. On vacation and conveyance of a portion of the North/South alley between 30th Street and 31st Street and the North/South alley between 31st Street and 32nd Street to Drake University, \$12,426.

(A) First consideration of ordinance above.

59. On vacation and conveyance of 4th Street from Laurel Street to I-235 to LADCO Development, Inc., \$53,100.

(A) First consideration of ordinance above.

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

60. On vacation and conveyance of East/West alley south of Edison Avenue and north of Columbus Park from S.E. 2nd Street to S.E. 2nd Court to four adjoining property owners, \$50 each.

(A) First consideration of ordinance above.

61. On request from Marshall Goodman to rezone property located at 2714 Hickman Road from "R1-60" (One Family Low Density Residential) to Ltd."R-2" (One and Two Family Residential) to allow development of two (2) duplexes (a total of four residential units).

(A) On amendment to the 2020 Community Character Land Use Plan to revise the future land use designation at 2714 Hickman Road from Low Density Residential to Low/Medium Density Residential.

(B) First consideration of ordinance above.

(C) Final consideration of ordinance above, (waiver requested by owner), requires six votes.

62. On request from Marshall Goodman to rezone property located at 936 McKinley Avenue from "R1-60" (One Family Low Density Residential) and "C-2" (General Retail and Highway Oriented Commercial) to Ltd. "R-2A" (General Residential) to allow proposed development of 26 townhome condominium units, subject to conditions.

(A) On amendment to the 2020 Community Character Land Use Plan to revise the future land use designation at 936 McKinley Avenue from Low Density Residential and Commercial: Auto-Oriented Small-Scale Strip Development to Low/Medium Density Residential.

(B) First consideration of ordinance above.

(C) Final consideration of ordinance above, (waiver requested by owner), requires six votes.

63. On request from George W. Jordon to rezone property located at 7657 US Hwy 69 from "R-5" (Mobile Home Residential) to Ltd. "C-2" (General Retail and Highway Oriented Commercial) to allow development of miniwarehouse rental storage facility with controlled access and fenced compound, subject to conditions.

(A) On amendment to the 2020 Community Character Plan, to revise the future land use designation from Medium Density Residential to Commercial: Auto-Oriented Small Scale Strip

Development.

(B) First consideration of ordinance above.

(C) Final consideration of ordinance above, (waiver requested by owner), requires six votes.

64. On request from Community Housing Development Corporation (Owner) to rezone property located at 2124 Des Moines Street from "R1-60" (One Family Low Density Residential) to Ltd. "R-2A" (General Residential) to allow development of 12 units of multiple-family residential for senior living.

(A) On amendment to the 2020 Community Character Land Use Plan to revise the future land use designation at 2121 Des Moines Street from Public/Semi-Public to Low/Medium Density Residential and Low Density Residential.

(B) First consideration of ordinance above.

(C) Final consideration of ordinance above, (waiver requested by owner), requires six votes.

65. On E. 18th Street PCC Overlay - E. Walnut Street to Dean Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Concrete Technologies Inc.(Brad Baumler, President, Urbandale), \$41,640.

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

66. On Durable Pavement Markings - 2003: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Dennis Parking Maintenance, Inc. (Lynn R. Dennis, President, DSM), \$105,442.40.

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

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

APPROVING

67. City Manager's recommendation regarding the Beavertdale Village Conceptual Revitalization Plan.

[\(Council Communication No. 03-385\)](#)

68. City Manager's recommendation regarding Court Avenue Development.

[\(Council Communication No. 03-398\)](#)

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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

August 11, 2003

MOTION TO CONVENE

AUTHORIZING

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

(A) 2419 Delaware Avenue (vacant) Titleholder: Fred E. Farris Estate; Legal Interest Holders: G E & J T Myers Living Trust dated May 9, 1966 and Mooring Tax Asset Group III, LLC.

(B) 1051 19th Street (vacant) Titleholder: Rick Simmons; Legal Interest Holders: Dave Powell and Ann J. Powell.

2. The Engineering Department to cause the removal of the following:

(A) 4035 Indianapolis, Titleholder: Basin Al-Bakri.

(B) 3109 38th Street, Titleholder: Randy L. Simonini.

MOTION TO ADJOURN AT _____ P.M.