

DES MOINES CITY COUNCIL MEETING

August 25, 2003 4:30 P.M.

SPECIAL PRESENTATIONS - 4:00 P.M.:

- (a) Recognition of Dr. Larry Baker - Fire Department
- (b) Recognition of Dowling High School Debate & Speech Students
- (c) Recognition of South Side Softball teams
- (d) Recognition of Jan Fleming

INVOCATION: Pastor Tony Thurston, College Avenue Christian Church

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 56:

LICENSES AND PERMITS:

Approving

4. The following Beer/Liquor Applications:

NEW APPLICATIONS

- (1) Garibaldi Restaurant, 1246 E 14th Street, B Beer.

(2) Some Place Else, 1833 Hubbell Avenue, C Liquor.

(3) Titos, 2401 E Walnut Street, C Liquor.

RENEWAL APPLICATIONS

(4) Drake Texaco, 3401 University Avenue, C Beer.

(5) Merle Hay Handimart, 4151 Merle Hay Rd. C Beer.

(6) Phillips 66 Company, 2849 E Euclid Avenue, C Beer.

(7) QuikTrip #527, 1215 6th Avenue, C Beer.

(8) QuikTrip #560, 2300 Martin Luther King Pkwy., C Beer.

(9) Number 1 Chinese Restaurant, 2414 University Avenue, C Beer/Wine.

(10) Antlers Lounge & Grill, 414 E 6th Street, C Liquor.

(11) Coyotes, 900 E Army Post Rd., C Liquor.

(12) Dragon House East, 2470 E Euclid Avenue, C Liquor.

(13) Hideaway Lounge, 4845 Merle Hay Rd., C Liquor.

(14) Pal Joeys, 6224 Grand Avenue, C Liquor.

(15) Waveland Coffee Shop, 4704 University Avenue, C Liquor.

(16) Merle Hay Handimart, 4151 Merle Hay Rd., B Wine.

(17) QuikTrip #527, 1215 6th Avenue, B Wine.

(18) QuikTrip #560, 2300 Martin Luther King Pkwy., B Wine.

OUTDOOR SERVICE APPLICATIONS

(19) Centerplate, 350 SW 1st Street, C Liquor. Temporary outdoor service area on September 6 and 7, 2003. Pending approval of Building, Electrical and Fire Departments.

(20) Christophers Dining Room, 2816 Beaver Avenue, C Liquor. Temporary outdoor service area from September 19 through September 20, 2003 in conjunction with the Beaverdale Fall Festival. Pending approval from Building, Electrical, Fire and Zoning Departments.

(21) Amvets Post #2, 2818 5th Avenue, C Liquor. Adding permanent outdoor service area to existing Class C Liquor License.

5. City Clerk to issue Cigarette Licenses.

6. City Clerk to issue Coin Operated Machines Licenses.

PUBLIC IMPROVEMENTS

7. Approving Change Orders with the following:

(A) No. 1 with Russell Construction Company Inc., for additional work in conjunction with Ashby Park Water Playground - \$14,475.

[\(Council Communication No. 03-419\)](#)

(B) No. 4 with Reilly Construction Co., Inc. & Affiliates and Correll Contractor, Inc., a joint venture, for additional work in conjunction with M.L. King Jr. Parkway - Combined Grand Avenue Bridge and Raccoon River to Ingersoll Avenue Grading and Sewer project - \$51,816.40.

[\(Council Communication No. 03-418\)](#)

8. Approving request for extension of time from Rochon Corporation of Iowa, Inc. (Matt Stence, Project Manager, Urbandale) for the Greater Des Moines Softball Park-Contract 2, extension of the completion date to August 31, 2003.

9. Approving Private Construction Contracts for the following:

(A) Van Hauen & Associates, Inc. (Mark Van Hauen, V.P./CEO, Clive, Contractor), and Erickson Development, Inc. (Tim Erickson, President, DSM, Owner) for construction of Storm Sewer Improvements to serve the proposed Three Lakes Estates Plat 5 Development at Sweetwater Dr., Brockway Dr. and S.E. 28th Street.

(B) Van Hauen & Associates, Inc. (Mark Van Hauen, V.P./CEO, Clive, Contractor), and Erickson Development, Inc. (Tim Erickson, President, DSM, Owner) for construction of Sanitary Sewer Improvements to serve the proposed Three Lakes Estates Plat 5 Development at

Sweetwater Dr., Brockway Dr. and S.E. 28th Street.

(C) Speck Enterprises (Mark Fargo, President, DSM, Contractor), and The Tackle Shack - Outdoor Store, Inc. (Rick Motzko, President, DSM, Owner) for construction of Median Modifications Improvements for a Traffic Island Shortening at Army Post Road (1400 Block SW), in front of 1427 Army Post Road.

(D) The Underground Company, Ltd. (Duane Burkhardt, President, DSM, Contractor), and Anderson Erickson Dairy Co. (James Erickson, CEO, DSM, Owner) for construction of Manhole Improvements for storm sewer manholes to serve as access for existing 42" storm sewer located northeast of E. 22nd Street and Hubbell Avenue.

(E) McAninch Corporation (Douglas McAninch, President, Contractor), and Silver Oak, LLC (Ronald Grubb, President, Urbandale, Owner) for construction of Storm Sewer Improvements in new development Carman Estates Townhomes, located at Indianola Avenue and Hart Avenue.

(F) McAninch Corporation (Douglas McAninch, President, Contractor), and Silver Oak, LLC (Ronald Grubb, President, Urbandale, Owner) for construction of Sanitary Sewer Improvements in new development Carman Estates Townhomes, located at Indianola Avenue and Hart Avenue.

(G) The Underground Company, Ltd. (Duane Burkhardt, President, Contractor), and Clarke Company, Ltd. (John Clarke, CEO, Owner) for construction of Storm Sewer Improvements to serve the proposed Woods on the River, Plat 8 near SE 22nd Street and King Avenue.

(H) The Underground Company, Ltd. (Duane Burkhardt, President, Contractor), and Clarke Company, Ltd. (John Clarke, CEO, Owner) for construction of Sanitary Sewer Improvements to serve the proposed Woods on the River, Plat 8 near SE 22nd Street and King Avenue.

10. Resolution accepting completed construction and approving final payment of Branch Library Parking Lot Repair, \$1,215.62, remaining balance \$2,094.96 to be paid at the end of thirty days.

11. Communication from The Waldinger Corporation for the Central Business district Traffic Signal Upgrade requesting permission to sublet certain items on the public improvement project.

LAND/PROPERTY TRANSACTIONS

12. Establishing fair market value and authorizing acquisition of property for the Des Moines River Outfall and Overflow Project (707 & 709 SE 5th, 714 SE 6th, 720 SE 6th, and 724 SE 6th), \$132,500.

13. Approving Administrative Settlement and authorizing acquisition of property located at 2544 and 2546 East Railroad Avenue for the WRA Biosolids Storage Facility Project, \$140,000 plus closing costs.

14. Approving Administrative Settlement and authorizing acquisition of property at 107 Fifth Avenue for the Court Avenue District Redevelopment Project, \$212,000 plus closing costs.

SPECIAL ASSESSMENTS

15. Authorizing Engineering Department to proceed with Sidewalk Program/Request to Repair Sidewalk Petition and Waiver form executed by one property owner; Sidewalk Program/Request to Repair Driveway Petition and Waiver form executed by one property owner and Paving or Curb Replacement Program/Request to Repair Driveway Petition and Waiver form executed by one property owner.

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. Communication from William Dikis advising of his resignation from the Urban Design Review Board (Seat 1) and the Strategic Planning Commission (Seat 11) effective August 22, 2003.

17. Communication from Neighborhood Inspection Administrator advising of resignation of Duane Van Hemert from the Housing Appeals Board (3), effective immediately.

18. Recommendation of Council Member Mike McPherson, to reappoint Robert Jeppesen to Seat 13 on the Access Advisory Board for a four year term commencing June 15, 2003 to expire June 15, 2007.

STREET CLOSURES

19. Approving recommendation of Street Use Team to close the following streets:

(1) Nancy Dunbar, representing 46th Street Neighbors, requesting permission to close 46th Street from Urbandale to New York Avenue on Sunday, September 14, 2003 from 4 PM to 9 PM for a neighborhood block party.

(2) Bridget Montgomery, representing Ashby Neighborhood, requesting permission to close from 4039 to 4117 Ashby Avenue on Saturday, September 13, 2003 from 4 PM to 10 PM for annual neighborhood pig roast.

(3) Julie Dohrmann, representing 44th Street Neighborhood, requesting permission to close 44th Street from University to Kingman on Saturday, September 6, 2003 (raindate of Saturday, September 13, 2003) from 4 PM to 10 PM for a neighborhood block party.

(4) Alison Walding, representing Waveland Woods Neighborhood, requesting permission to close Kingman from 57th to 58th Street on Saturday, September 6, 2003 (raindate of Saturday, September 20, 2003) from 4 PM to 9 PM for a neighborhood block party.

(5) Kevin Ruegsegger, representing Vilura Neighborhood, requesting permission to close Vilura Parkway from Lower Beaver to 33rd Street on Sunday, September 7, 2003 from 4 PM to 8 PM for a neighborhood block party.

(6) Doug Olson, representing 45th Street Neighborhood, requesting permission to close 45th Street from Kingman to University on Sunday, September 14, 2003 (raindate of Sunday, September 21, 2003) from 4 PM to 8 PM for a neighborhood social.

(7) Tom Nyren, representing Raymond Neighborhood, requesting permission to close Raymond Drive from Beavercrest to Holland Drive on Saturday, September 6, 2003 from 1 PM to 7 PM for a neighborhood block party.

(8) Brenda Geier, representing Beavertdale Fall Festival, requesting permission to close Fagen Drive from Beaver Avenue to 2nd Drive of First American Bank from 6 PM September 19th to 11 PM September 20th.

CITY PLAN COMMISSION RECOMMENDATIONS

20. Regarding request from City Manager for vacation and conveyance of the north/south alley between 15th and 16th Street from Pleasant to Park Street for assemblage with City-owned property, subject to reservation of easements for utilities.

21. Regarding request from Des Moines Public Schools for vacation and conveyance of a dead end portion of the north/south alley located north of East Ovid between Cornell and Columbia Street to the adjoining property owner, subject to reservation of easements for utilities.

22. Regarding request from Iowa Paint Manufacturing Company for vacation and conveyance of east/west alley between Ingersoll and Grand Avenue from 16th to 17th Street, subject to conditions.

SETTING DATE OF HEARINGS

23. On request from James Colby Cunningham to rezone 705 SE 6th Street from "R1-60" One-Family Low-Density Residential District to "M-1" Light Industrial District to allow new offices and testing laboratory for Team Services engineering and testing, subject to conditions, (9-8-03).

24. On sale of City-owned property between E. 15th and E. 16th Street and Walnut and Dean Streets to HOME, Inc. in conjunction with East Walnut Street Redevelopment Project, (9-8-03).

[\(Council Communication No. 03-404\)](#)

25. On Purchase Agreement for acquisition of 100 E. Second Street and 101-103 E. Second Street from C & C Realty, Ltd. and Charles A. and Carolyn M. Colosimo in the amount of

\$1,630,000, (9-8-03).

[\(Council Communication No. 03-414\)](#)

26. On Non-Commercial Aviation Operation Lease with Principal Life Insurance Company, for construction of a corporate hangar and other facilities, \$59,774.88 per year, (9-8-03).

[\(Council Communication No. 03-412\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. Approving payment of \$7,500 to Linda and Louis Gorz for settlement claim as a result of an incident on City property.

28. Approving payment of \$7,741.61 to River Hills Apartments #1 as a result of property damage at 700 East 5th Street.

29. Approving payment of \$20,136.89 to Ahlers & Cooney, P.C. for bond counsel services related to 2003C and 2003D general obligation bonds.

30. Authorizing compromise of medical subrogation lien, (\$9,701.50) in the case of David Smith, employee injured in a non-work related accident, conditioned upon receipt of payment of balance of lien.

CITY MANAGER COMMUNICATIONS

31. Submitting out-of-state travel for Donald Tripp, Doug Romig, Carla Brown-Marble, James Johnson, Doug Philip, Karen Booth, Ellen Walkowiak, Amelia Hamilton Morris, and Richard Clark.

[\(Council Communication No. 03-403\)](#)

32. Regarding City's financial commitment to the Greater Des Moines Partnership's "Choose Des Moines Communities",(\$75,000) and the "Downtown Parking Amenities",(\$37,500) programs.

[\(Council Communication No. 03-424\)](#)

APPROVING

33. Issuance of an RFP (Request for Proposal) for a health insurance plan provider for City

employees and retirees.

[\(Council Communication No. 03-405\)](#)

34. Authorization to proceed with RFQ (Requests For Qualifications) to consulting firms completing a Flood Insurance Study for annexed area in northern Warren County.

35. Agreements for lease of City-owned property with the following:

(A) Knapp Properties for use of property in vicinity of 13th and Cherry Streets for use as a parking lot.

[\(Council Communication No. 03-416\)](#)

(B) Central Iowa Heating for use of property in vicinity of SW 2nd Street and Martin Luther King Parkway for use as a parking lot.

[\(Council Communication No. 03-415\)](#)

36. Development Agreement with Massman Group, LLC (10th Street Lofts, L.P. for 110-112 - 10th Street) and authorizing conveyance of eastern portion of E/W alley adjacent to subject properties.

[\(Council Communication No. 03-409\)](#)

37. Amending the MTA 28E Agreement to add Altoona as a member municipality.

[\(Council Communication No. 03-420\)](#)

38. Application for 2003-2004 Weed & Seed funding to the Executive Office for Weed & Seed (EOWS), \$275,000, (joint application - see Municipal Housing Governing Board Item 2)

[\(Council Communication No. 03-400\)](#)

39. Required Categorical Assistance Progress Report for the period January 1, 2003 to June 30, 2003 for submission to the U.S. Department of Justice/Executive Office for Weed & Seed, \$525,000.

[\(Council Communication No. 03-401\)](#)

40. Application for 2003 Local Law Enforcement Block Grant to the Bureau of Justice Assistance to fund procurement of equipment for the Police Department, \$167,303.

[\(Council Communication No. 03-402\)](#)

41. NUMBER NOT USED

42. Submission of the FY2003 Annual Certification Report to the US Department of Justice for the Police Department's participation in the sharing of federal asset forfeiture funds.

[\(Council Communication No. 03-407\)](#)

43. First Amendment to Real Estate Mortgage, Assignment of Leases and Rents and Subordination Agreement with Woodland Avenue Partners, L.P. for the Woodland Avenue Brickstone Apartment project.

44. Loan documents for Des Moines Action Loan, to Grounds For Celebration, Inc. (2645 Beaver Avenue), \$30,000.

[\(Council Communication No. 03-410\)](#)

45. Proposed solution to the U.S. Department of Justice for improved accessibility of the Simon Estes Amphitheater as required by the Americans with Disabilities Act and its regulations.

46. Receipt of Des Moines Water Works 2002 Audit Reports.

47. Extension of modified Agreement with Municipal Code Corporation, for publication of the City's Municipal Code and related services.

48. Authorizing procurement of replacement pump and related equipment for the Franklin Avenue Stormwater Pump Station from Electric Pump and Tool Services, Inc.

[\(Council Communication No. 03-417\)](#)

49. Bids for the following:

(A) Genuine Auto Parts, 2222 E. Douglas Avenue, for an annual contract with two additional one year renewal options to furnish automotive parts and supplies to the Fleet Maintenance Center, \$185,000. (Eight bids mailed, three received).

(B) Better Brake Sales, 215 University, and secondary suppliers, Inland Truck Parts, 5678 NE

14th Street, and City Brake & Clutch, 3018 SW 9th Street, for an annual contract with two additional one year renewal options to furnish clutch and brake parts and service to the Fleet Maintenance Center, \$60,000. (Four bids mailed, three received).

(C) Eastern Iowa Tire, 1725 E. Euclid Avenue, for an annual contract with two additional one year renewal options to furnish tire services to the Fleet Maintenance Center, \$165,000. (Nine bids mailed, three received).

(D) Old Dominion Brush, Kansas City, MO, and secondary supplier, United Rotary Brush, Lenexa, KS, for an annual contract with two additional one year renewal options to furnish street sweeper brooms to the Fleet Maintenance Center, \$52,000. (Seven bids mailed, four received).

(E) Sun Turf, Waukee, for two turf trucksters to be used by Waveland and Grandview Golf Courses, \$27,850. (Five bids mailed, one received).

(F) Information Builders Inc., New York, NY, from General Services Administration Contract #GS-35F-5034H for application and data integration software and services to be used by the Information Technology Department, \$173,741.75.

[\(Council Communication No. 03-408\)](#)

50. Civil Service Entrance List for Guest Services Coordinator and Promotional List for Senior Police Officer.

51. Authorizing Finance Director to issue checks on registers of August 28 and September 4, 2003; and to draw checks for bills of the Des Moines Municipal Housing Agency for the week of August 25, 2003; and to draw checks for biweekly payroll due on September 5, 2003.

ORDINANCES - FINAL CONSIDERATION

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

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

ORDINANCES - SECOND CONSIDERATION

54. On vacation of east/west alley adjoining 112-10th Street.

55. On vacation 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.

56. Amending Chapter 10 of the Municipal Code regarding penalties, fees, refunds and transfers of liquor licenses and permits.

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

ORDINANCES - FIRST CONSIDERATION

57. Amending Chapter 42 of the Municipal Code deleting the grading permit one-call surcharge.

[\(Council Communication No. 03-406\)](#)

58. Amending Chapter 114 of the Municipal Code regarding 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 REQUESTS

59. From Council Member Archie Brooks, regarding East Village Phase II.

60. From Council Member Archie Brooks, requesting a temporary loading zone, for Patterson Redemption Center, 810 Raccoon, effective immediately, until an ordinance can be approved for a permanent loading zone.

61. From Council Member Chris Coleman, to discuss street names in the vicinity of Sec Taylor Stadium.

COMMUNICATIONS/REPORTS

62. From Carolyn Walker, 1612 13th Street, requesting to speak regarding naming the pocket park at 13th and College.

63. From Peter Rose, 668 48th Street, requesting to speak regarding City contracting and budget issues.

64. From Helen Neville, representing the Des Moines Marathon, requesting to speak regarding

the Marathon.

CITY MANAGER RECOMMENDATIONS

65. Regarding Pawnshop Dealer Licenses.

[\(Council Communication No. 03-413\)](#)

66. Regarding Street Use Events.

[\(Council Communication No. 03-423\)](#)

67. Items regarding the Principal Riverwalk and Riverfront uses.

[\(Council Communication No. 03-422\)](#)

HEARINGS (Opened at _____ P.M.) (Items 68 thru 78)

68. On appeal from Herbert Whitfield, 1122 - 26th Street, #5, regarding Administrative Hearing Officer's decision on impounded vehicle.

69. On grant of easements of 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.

70. On request from DKP Properties, L.L.C. to rezone property located at 2150 Grand Avenue from "R1-80" (One Family Residential) and "R-4" (Multiple Family Residential) to Ltd. "C-2" (General Retail and Highway Oriented Commercial).

(A) First consideration of ordinance above.

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

71. On sale of 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.

72. 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.

(A) First consideration of ordinance above.

73. On petition to establish the Highland Park Self-Supported Municipal Improvement District for the purpose of funding installation, operation and maintenance of streetscape improvements.

74. 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. 03-411)

75. On 2003 Sidewalk Replacement Program - Designated Neighborhoods: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Johnson Concrete & Petroleum Construction, Inc. (Robert L. Johnson, President, DSM), \$154,500.

(A) Approving contract and bond.

76. On 2003 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as M. Peterson Construction Co. (Merlin Peterson, President, DSM), \$170,912.50.

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

77. On WRF Dewatering Wetwell Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Baker Group (B.J. Baker III, President, DSM), \$119,790.

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

78. On WRF Power Generation Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Waldinger Corporation (Tom Koehn, President, DSM), \$1,383,952.

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

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

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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.

1. Approving Agreement with Fort Des Moines Black Officers Memorial, Inc. to grant sanitary sewer service to the memorial park and museum in anticipation of future annexation. SPONSOR: Brooks.

[\(Council Communication No. 03-425\)](#)

2. Approving Federal Aviation Administration AIP Grant Agreement for the Airport 2003 South Cargo Expansion, \$4,419,000.

[\(Council Communication No. 03-426\)](#)

A G E N D A

BOARD OF HEALTH

August 25, 2003

MOTION TO CONVENE

HEARINGS

1. On resolution to demolish and remove dangerous garage structure or to determine appropriate equitable action to be taken at 1836 Easton, Titleholder: Contract Finance LC, Contract Buyer: Michael L. Cook, Legal Interest Holders: Glendower Corporation and Hubert Hoff d/b/a TL Associates.

AUTHORIZING

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

(A) 1626 23rd Street (vacant) Titleholder: 5917 Tonka, LLC; Legal Interest Holder: Mooring Tax Asset Group, LLC.

(B) 440 E. Jackson Avenue (vacant) Titleholder: SRS, Inc., Contract Buyers: Mark A. Formaro, Shelly Formaro, Matthew M. Formaro, Sr., Dawn Formaro, Daniel R. Formaro, Karen Greeley and Joshua J. Formaro, as heirs of Gordon Formaro, Jr.

(C) 837 Walker (vacant) Titleholders: Darryl L. Thielen and Betty V. Thielen; Mortgage Holder: Polk County Bank.

3. The Engineering Department to cause the removal of 1444 4th Street, Titleholder: Tanglewood Partners, LLC.

MOTION TO ADJOURN AT _____ P.M.