

DES MOINES CITY COUNCIL MEETING

December 20, 2004 4:30 P.M.

SPECIAL PRESENTATIONS – 4:00 P.M.

Accepting donation from WalMart Charitable Foundation for the Southside Revitalization Corridor Study

Recognition of Volunteer Service on City Boards

Carlyle Peterson - 45 years
Martha Walden - 35 years

Recognition of city volunteers and City Council's entry for the Festival of Trees

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 44:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License applications for the following:

NEW APPLICATIONS

(A)	LAS BRISAS	2905 HUBBELL AVE	C Liquor
(B)	NADRY INC	2701 INGERSOLL AVE	C Beer
(C)	PLAZA PANTRY	300 WALNUT ST	E Liquor

RENEWAL APPLICATIONS

(D)	801 STEAK AND CHOP HOUSE	801 GRAND AVE	C Liquor
(E)	A DONG RESTAURANT	1511 HIGH ST	C Beer/Wine
(F)	AMERICAN LEGION HISPANIC POST	1511 S UNION ST	C Liquor
(G)	CASEYS GENERAL STORE #2322	4331 PARK AVE	C Beer
(H)	CHRISTOPHERS DINING ROOM	2816 BEAVER AVE	C Liquor
(I)	DAHLS FOODS	1320 E EUCLID AVENUE	E Liquor
(J)	DAHLS FOODS	1819 BEAVER AVE	E Liquor
(K)	FEDERAL DISTRIBUTORS INC	3000 E GRAND AVE	B Beer
(L)	GIT N GO STORE #24	1142 42ND ST	C Beer
(M)	GIT N GO STORE #29	4900 URBAN DALE AVE	C Beer
(N)	GIT N GO STORE #32	2911 DOUGLAS AVE	C Beer
(O)	JESSES EMBERS	3301 INGERSOLL AVE	C Liquor
(P)	JIFFY #924	3718 SW 9TH ST	C Beer
(Q)	JOHNNY MACS BAR & GRILL	2279 HUBBELL AVENUE	C Liquor
(R)	KUM & GO #207	4200 HUBBELL AVE	C Beer
(S)	KUM & GO #2729	2829 EASTON BLVD	C Beer
(T)	LOS LAURELES	1518 E GRAND AVE	B Beer
(U)	MEZZODIS	4519 FLEUR DR	C Liquor
(V)	NOW OR LATER RESTAURANT	3750 E UNIVERSITY AVE	C Liquor
(W)	OASIS WINE AND SPIRITS	1401 BUCHANAN ST	E Liquor
(X)	RANCHO ALEGRE	3308 INDIANOLA AVE	B Beer
(Y)	TAVERN SOUTH PIZZA & PASTA	1106 ARMY POST RD	C Beer/Wine
(Z)	TEQUILA MEXICAN RESTAURANT	2824 EASTON BLVD	C Liquor

5. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Approving the following for the University Avenue Bridge over the Des Moines River Arch Rehabilitation:

- (A) Execution of Iowa Department of Transportation Agreement.

[\(Council Communication No. 04-630\)](#)

- (B) Supplemental Agreement No. 2 with Shuck-Britson, Inc. for design and construction phase services.

7. Execution of Iowa Department of Transportation Agreement for SE 14th Street (US 69) Army Post Road traffic signal interconnect improvements.

[\(Council Communication No. 04-632\)](#)

8. Execution of Iowa Department of Transportation Preconstruction Agreements for the following:

- (A) 31st Street Interchange reconstruction.

[\(Council Communication No. 04-634\)](#)

- (B) 28th Street grade separation.

[\(Council Communication No. 04-633\)](#)

9. Approving the following items regarding E. Market Street curb-and-gutter from SE 24th Court to 370' west:

- (A) Petition and Waiver from Titan Tire Corporation.

- (B) Resolution of Necessity and ordering construction.

10. Approving Change Order No. 1 with Visu-Sewer Clean & Seal, Inc. for additional work on 2004 Sanitary Sewer Lining Program-Contract 1, not to exceed \$33,000.

[\(Council Communication No. 04-635\)](#)

SPECIAL ASSESSMENTS

11. Deletion of special assessments at 2609 School Street – Schedule 2004-12.

LAND/PROPERTY TRANSACTIONS

12. Approve and accept real estate documents for 1312 Grand Avenue for Western Gateway Project, \$254,000 plus closing costs.

13. Approving release of Subdivision Bond No. IAC 32328 in amount of \$ 57,240 as security for Easter Lake Cove Plat 1 for satisfactory completion of required improvements.
14. Approving Subdivision Bond No. IAC 30803 reduction for Sunrise Estates Plat 3 from \$41,556 to \$10,389 for completion of required sidewalks in the plat.
15. Approving tax abatement applications (203) for additional value added by improvements made during 2004.

[\(Council Communication No. 04-628\)](#)

16. Approving Real Estate Donation Agreement and Warranty Deed from Lucille M. Irwin for Irwin Chemical Site property, 401 SE 6th.
17. Approving Agreement for Exercise of PUT Agreement with Iowa Acquisition, Inc. for acquisition of property at E. 4th and Locust Streets.

[\(Council Communication No. 04-640\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. Communication from Johnston City Council appointing Dennis W. Kelly to Seat 19 (Johnston Representative) on the Sister Cities Commission for a five-year term commencing April 28, 2003 to expire April 28, 2008.
19. Communication from Carlyle Peterson advising of his resignation from the Licensing and Appeals Board, Seat 2 effective immediately.
20. Receipt of letter from Urban Design Review Board regarding reconfiguration of Landmark Review Board.

SETTING DATE OF HEARINGS

21. On Assignment of Food and Beverage Concession Agreement from GladCo Enterprises, Inc., to Compass Group USA, Inc. d/b/a Select Service Partner; and the Second Amendment to the Food and Beverage Concession Agreement with Compass Group USA, Inc., (1-10-05).

[\(Council Communication No. 04-636\)](#)

22. On Proposed Amendment to Skywalk Corridor Display Cases Lease Agreement, (1-10-05).
23. On conveyance of East/West alley between Cherry and Vine Streets, to 10th Street Lofts, L.L.L.P., (1-10-05).
24. On vacation and conveyance of east 432 feet of East/West alley in block between Lyon Street, Des Moines Street, Hubbell Avenue and East 20th Street, to Leachman Lumber Company, \$1,000, (1-10-05).

[\(Council Communication No. 04-637\)](#)

25. On request for Easement for Encroachment on City owned right-of-way at 4311 SW 9th Street to Kacek Enterprises, LLC, (1-10-05).
26. On Underground Electric Line Easement to Mid American Energy for Blank Park Zoo Events Center, (1-10-05).
27. On request from Mary H. Jaeger, (Chicago Speakeasy), to rezone property at 1500 and 1520 Euclid Avenue from “R1-60” (One Family Low Density Residential) to “C-1” (Neighborhood Retail Commercial) to allow for expansion of existing restaurant, (2-07-05).
28. On proposed rezoning of the Riverpoint West Area, (1-10-05).

[\(Council Communication No. 04-626\)](#)

29. On various amendments to the Zoning Ordinance and Site Plan Regulations, (1-10-05).

[\(Council Communication No. 04-639\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

30. Approving payment of \$75,000 to Douglas Coe for injury sustained during course and scope of employment.
31. Approving payment of \$7,000 to Mary Ann Jackson for injury as a result of an automobile accident on February 12, 2003.

CITY MANAGER COMMUNICATIONS

32. Submitting Traffic Regulation Changes as follows:

- (A) Reinstallation of Parking Meters near the new Papajohn Education Center-1200 Block of Grand Avenue.
- (B) Implementation of Traffic Control Modifications-Sherman Hill Area of Downtown Traffic Study.
- (C) Implementation of Morning and Evening Rush Hour Restrictions-east side of 3rd Street from Watson Powell Jr. Way to Crocker Street and the east side of 9th Street from Keosauqua Way to Crocker Street.
- (D) Corner Clearance-west side of Polk Boulevard, north of Observatory Road.
- (E) Code Adjustments for Field Signing-Southeast Eighteenth Street and Southeast Nineteenth Street.

[\(Council Communication No. 04-631\)](#)

APPROVING

33. Submission of a CEBA Loan Application to State of Iowa and approving preliminary terms of an economic development loan to BayTSP, Inc.

[\(Council Communication No. 04-629\)](#)

34. Application for Enterprise Zone Benefits for Mulberry Lofts at 112 – 11th Street.

[\(Council Communication No. 04-624\)](#)

35. Neighborhood Commercial Revitalization Program Loan, \$200,000, to Steve and Tami Logsdon for renovation of 420 E. Locust Street.

[\(Council Communication No. 04-627\)](#)

36. Submission of Application for Federal Grant from FY 2003 HUD Economic Development Initiative for redevelopment of Des Moines Agrimergent Technology Park.

[\(Council Communication No. 04-622\)](#)

37. City of Des Moines Comprehensive Annual Financial Report for fiscal year ended June 30, 2004.
38. Receipt of Audited Financial Statements for the Airport for the year ended June 30, 2004.
39. Memorandum of Understanding with Iowa Methodist Occupational Clinic for 411 Police and Fire physical examinations.

[\(Council Communication No. 04-638\)](#)

40. Facility Use Agreement with the Des Moines Independent Community School District for the use of Douglas Elementary School by the Fire Department for Candidate Physical Ability Test (CPAT) for period from 12-21-04 through 5-31-05.

[\(Council Communication No. 04-623\)](#)

41. Authorizing the City Manager to negotiate and execute a software upgrade to the City's Computer Aided Dispatch System (CAD) and Records Management System (RMS) with Intergraph Public Safety, manufacturer and sole area wide distributor.

42. Bids from the following:

- (A) Pat Clemons Chevrolet per State of Iowa Contract CT2748-E for one large sedan for the Vice/Narcotics Section, \$16,806.91 and Mid-States Ford per State of Iowa Contract CT2766-EXT for one large cargo van for the Detective Bureau, Identification Section, \$16,030 at a total cost of \$32,836.91.
- (B) L3 Communications, manufacturer and sole area wide distributor, for twenty-four MobileVu mobile data computers for the Mobile Data Computer System of the Police Department, \$194,712.
- (C) Dewey Ford, \$507,116, Mid-States Ford, \$47,437, Karl Chevrolet \$113,510 and Charles Gabus Ford, \$18,034 for replacement vehicles to be used by the Police Department at a total cost of \$686,097, subject to obtaining the necessary funding through the City's master lease-purchase agreement with Bank of America, Supplement No. B1. (Ten bids mailed, Five received).

[\(Council Communication No. 04-621\)](#)

- (D) Great American Outdoor for six out-front rotary mowers plus attachments to be used by the Park and Recreation Department, \$112,107.04. (Eleven bids mailed, three received).

- (E) Truck Country for one 60,000 GVW truck with Mobile Concrete Dispenser and Bulk Materials Storage Silo to be used by the Public Works Department, \$176,688. (Nine bids mailed, five received).
- (F) Iowa Transit, sole area wide distributor, for a Topcon Survey Station to be used by the Survey Section of the Engineering Department, \$27,490.
- 43. Civil Service Entrance Lists for Administrative Aide, Airport Operations Officer, and Promotional Lists for Civil Engineer II, Civil Engineer III, and Real Estate Contracts and Closings Specialist, Police Captain, and Police Lieutenant.
- 44. Finance Director to draw checks for check registers of December 22, December 30, 2004, and January 6, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of December 20, December 27, 2004, and January 3, 2005; and to draw checks for biweekly payroll due December 22, 2004 and January 7, 2005.

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

ORDINANCES - SECOND CONSIDERATION

- 45. Amending Chapter 74 of the Municipal Code establishing 2005 fees for golf courses, Sylvan Theater, swimming pools and Birdland marina.

COUNCIL REQUESTS

- 46. From Mayor Frank Cownie and Council Member Christine Hensley to discuss the Metro Advisory Council (MAC) Project Destiny.
- 47. From Council Members Michael Kiernan and Christine Hensley to discuss an ordinance restricting the method of sale of certain products containing pseudoephedrine.

COMMUNICATIONS/REPORTS

- 48. From Michael Zigler, 1120 Polk Boulevard, to speak regarding ambulance charges.
- 49. Bi-Annual update from the Youth Advisory Board.

HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 50 THRU 56)

50. On proposed resolution of necessity for Street Improvements on Terrace Drive from 28th Street to Lincoln Place Drive, (City Engineer recommends 21-foot wide paving, as defined in the Roll Call), continued from the November 22nd meeting.
 - (A) Authorization for acquisition of necessary right-of-way and easements.

51. On conveyance of Clark Street from 27th to 28th; and 28th Street from Forest to Clark for the Drake University Stadium Renovation.

52. On conveyance of City-owned landlocked property south of Ingersoll Avenue, north of Grand Avenue and west of projected Martin Luther King, Jr. Parkway to Timothy J. Flanagan Corporation and **continue the hearing to March 7, 2005 at 5:30 P.M.**

53. On vacation and conveyance of portion of north/south alley from University Avenue to Indiana Avenue between 4th Street and 5th Street to Walden Point, Limited Partnership, \$12,500.
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

54. On City-initiated request to rezone property in the vicinity 1810 Forest Avenue from “C-2” (General Retail and Highway Oriented Commercial) to “R1-60” (One Family Low Density Residential).
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.

55. On sale of 3rd Street right-of-way between University and Laurel to Health Initiatives – Iowa Corp., d/b/a/ Mercy Medical Center, (to correct error in the legal description in previous Roll Call).

56. On Southeast Trunk Sanitary Sewer-Phase 1: Resolution approving plans, specifications, form of contract documents, Engineers estimate and designating lowest responsive bidder as Rasch Construction, Inc. (Joel K. Rasch, Vice President/CEO), \$2,263,970.

(A) Approving contract and bond.

END HEARINGS AT _____ P.M.

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. Recommendation from Mayor Frank Cownie to appoint Jennelle E. Sarcone to Seat 1 on the Sister Cities Commission for a five-year term commencing April 28, 2000 to expire on April 28, 2005.
2. Resolution approving the closing of the Water Street Bridge to regular vehicular travel.
SPONSOR: Brooks.

[\(Council Communication No. 04-641\)](#)

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) 3941 Beaver Avenue (garage): Titleholder: William A. Lambert and Sara A. Lambert, Contract Buyers: Terry M. Wade and Anna Wade.
 - (B) 1655 Capitol Avenue (garage), Titleholder: Harold Ray Warnick, Mortgage Holder: Washington Mutual f/n/a American Mortgage Company.
 - (C) 1812 Hickman Road, Titleholder: Gladys Crede.
 - (D) 1434 Martin Luther King Jr. Parkway, Titleholder: Theodore Hill, Mortgage Holder: State Savings Bank.
 - (E) 6201 SW 7th Street, Titleholders: David M. Schmitz, Robert W. Anderson and David A. Zabrac.
 - (F) 1131 18th Street, Titleholders: Inie Clement and Augustine Akpan, Contract Buyers: Jose Olvera and Aurelia Olvera, Mortgage Holder: Polk County Bank.
 - (G) 5654 SE 36th Street, Titleholder: 5654 Trust, Rod Wolford Trustee, Legal Interest Holders: William Daniels and Rachel Daniels, Mortgage Holders: U S Bank National Association and Wells Fargo Bank Minnesota, N. A. As Trustee for Amortizing Residential Collateral Trust.
2. The Engineering Department to remove the following public nuisance structures:
- (A) 409 Franklin Avenue, Titleholder: Solid Foundation Management, Mortgage Holder: First National Acceptance Company.
 - (B) 3828 55th Street (shed structure), Titleholder: Pamela A. Gavin.

MOTION TO ADJOURN AT _____ P.M.