

DES MOINES CITY COUNCIL MEETING

April 11, 2005 4:30 PM

SPECIAL RECOGNITION - 4:15 PM

Ms. Wheelchair Iowa

INVOCATION: Rev. Sue Schneider
St. Johns Lutheran 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 51:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage license applications for the following:

NEW APPLICATIONS

(A)	DAVIS CONCESSIONS	2601 HUBBELL AVE	B Beer
(B)	FUEL RIGHT #4	3400 SE 14TH ST	C Beer
(C)	SANDS VOLLEYBALL CLUB	6214 GRAND AVE	C Liquor
(D)	SPIKERS COURT	3200 DELAWARE AVE	B Beer

RENEWAL APPLICATIONS

(E)	ALL IN THE FAMILY LOUNGE Liquor	4413 FLEUR DR	C
(F)	BARATTAS RESTAURANT Liquor	2320 S UNION ST	C
(G)	BOURBON ST	500 ARMY POST RD	C Liquor
(H)	DES MOINES ART CENTER	4700 GRAND AVENUE	C Liquor

(I)	FAMOUS DAVES Liquor	4351 MERLE HAY RD	C
(J)	GERRIS	232 E 30TH ST	C Liquor
(K)	H & A MINI MART	5901 FLEUR DR	C Beer
(L)	JAVA JOES COFFEEHOUSE Beer/Wine	214 4TH ST	C
(M)	KRUEGERS AMOCO #2	630 SW 9TH ST	C Beer
(N)	KUM & GO #114	2919 E 14TH ST	C Beer
(O)	KUM & GO #120	101 ARMY POST RD	C Beer
(P)	KUM & GO #142	4140 PARK AVE	C Beer
(Q)	KUM & GO #743	3733 EASTON BLVD	C Beer
(R)	LA TAPATIA	1440 DES MOINES ST	E Liquor
(S)	LOCO JOES NICKEL ARCADE	6550 SE BLOOMFIELD	B Beer
(T)	QUIKTRIP #515	1421 INGERSOLL AVE	C Beer
(U)	SILVESTRINIS PIZZA Beer/Wine	5418 DOUGLAS AVE	C
(V)	SNACO	3000 SW 9TH ST	C Beer
(W)	STRANDED BY THE TRACKS Liquor	1922 HUBBELL AVE	C
(X)	TIM FLANAGANS RESTAURANT Liquor	2120 INGERSOLL AVE	C
(Y)	VIC & ANDYS PUB	5114 SW 9TH STREET	C Liquor
(Z)	YOUNKERS TEA ROOM	701 WALNUT ST	C Liquor
(AA)	YOUNKERS TEA ROOM	701 WALNUT ST	B Wine

OUTDOOR SERVICE APPLICATIONS

- (BB) UNIVERSITY LIBRARY CAFE 3506 UNIVERSITY AVE C
Liquor
Temporary in conjunction with Drake Relays effective April 26, 2005 to May 1, 2005.
Pending approval from the Fire Department.

5. City Clerk to issue Cigarette Licenses.

6. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Approving Professional Services Agreement with Shuck-Britson, Inc. for structural evaluation and design phase services in conjunction with SW 8th Street Viaduct over M.L. King Jr. Parkway Rehabilitation, not to exceed \$178,262.

[\(Council Communication No. 05-184\)](#)

8. Approving Professional Services Agreement with Stanley Consultants for Principal Riverwalk Civic Gardens, not to exceed \$63,500.

[\(Council Communication No. 05-204\)](#)

9. Approving execution of Iowa Interstate Railroad, Ltd. Agreement for Railroad Signal Improvements along Vine Street.

[\(Council Communication No. 05-183\)](#)

10. Approving execution of Iowa Department of Transportation Property Lease Agreement for rental of bridge inspection vehicle, not to exceed \$35,000.

11. Approving execution of Iowa Department of Transportation Addendum to Preconstruction Agreement for E. University Avenue Interchange Reconstruction for installation of concrete pavers along E. University Avenue.

[\(Council Communication No. 05-182\)](#)

12. Approving Supplemental Agreement No. 4 with Veenstra & Kimm, Inc. for construction phase services in conjunction with I-235 Birds Run Outlet Storm Sewer, not to exceed \$332,673.

[\(Council Communication No. 05-187\)](#)

13. Approving contract and bond for T. Peters, L.L.C. (Tony J. Peters, Owner, Urbandale) for Blank Park Zoo Sidewalk Replacement, estimated cost of \$13,000.

14. Approving contract and bond for Johnson Concrete & Petroleum Const. Inc. (Robert L. Johnson, President, DSM) for construction of Gray's Lake Park Shade Structures, estimated cost of \$16,000.

15. Approving Private Construction Contracts for the following:

- (A) Grimes Asphalt & Paving Corp. and The Salvation Army An Illinois Corporation for alley improvements in Salvation Army Facility at 1330 6th Avenue.

- (B) Vanderpool Construction, Inc. and Fleur Properties, L.C. for sanitary sewer improvements in Airport Crossroads Subdivision.

- (C) Vanderpool Construction, Inc. and Fleur Properties, L.C. for storm sewer improvements in Airport Crossroads Subdivision.

- (D) Sternquist Construction Inc. and Clarke Company, Ltd. for street improvements in Woods On The River Plat 9.
 - (E) Elder Corporation and The Rose of Des Moines L.P. for storm sewer improvements in Rose of Des Moines.
16. Approving Change Order No. 23 with The Waldinger Corporation for additional work on Central Business District Traffic Signal Upgrade, not to exceed \$50,772.69.

[\(Council Communication No. 05-203\)](#)

17. Communication from Rognes Corp. requesting permission to sublet certain items on 30th Street & Forest Avenue Storm Sewer Improvements.
18. Approving completion and recommending acceptance for University Avenue Bridge over the Des Moines River Rehabilitation-Cramer & Associates, Inc.

LAND/PROPERTY TRANSACTIONS

19. Establishing Fair Market Value and authorizing acquisition of property by voluntary purchase at 3321 SW 46th Street for the future Southwest Connector Project, \$31,100 plus closing costs.
20. Approving Tax Abatement Application for additional value added by improvements made during 2004 for 2101 Meadow Court, Unit 1104.

[\(Council Communication No. 05-202\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

21. Recommendations from Council Member Vlassis for the following:
- (A) New appointments.
 - (1) Tim Hielkema to the Neighborhood Revitalization Board, Seat 7 for a 3 year term commencing 6-30-04 to expire 6-30-07.
 - (2) Sandra Gray-Dooly to the Access Advisory Board, Seat 4 for a 4 year term commencing 6-15-04 to expire 06-15-08.
 - (B) Reappointments

- (1) Garry Caldbeck to the Licensing and Appeals Board, Seat 11 for a 3 year term commencing 4-01-05 to expire 4-01-08.
- (2) Todd Garner to the Urban Design Review Board, Seat 4 for a 3 year term commencing 6-30-05 to expire 6-30-08.
- (3) Dr. Bruce Heilman to the Plan and Zoning Commission, Seat 8 for a 5 year term commencing 7-01-05 to expire 7-01-10.

SETTING DATE OF HEARINGS

22. On vacation and conveyance of north/south alley between SE 15th Street and SE 15th Court from Maury Street to Shaw Street to Dale H. Jones, \$2,310 and to Charles Koenigs, \$2,090, (4-25-05).

[\(Council Communication No. 05-189\)](#)

23. On Lease of property at 1202 and 1300 Scott Avenue to State of Iowa, Department of Administrative Services, (4-25-05).
24. On request from Walden Point, L.P. to rezone 1223 5th Avenue from “R1-80” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and amend the PUD Concept Plan for Walden Point at 1200 4th Street, (4-25-05).

[\(Council Communication No. 05-194\)](#)

25. On application from Hubbell Properties II, L.C., (Series H), seeking voluntary annexation by the City of Des Moines for land southeast of NE Hubbell Road and east of NE 46th Street, (06-06-05).
26. Items regarding General Obligation Bond Proposals, (4-25-05):
 - (A) Electing Classifications and Procedures for proposed Bond Projects.
 - (B) On \$18,755,000 (for Essential Corporate Purposes).
 - (C) On \$12,760,000 (for Essential Corporate Purposes).
 - (D) On \$3,085,000 (for Essential Corporate Purposes).
 - (E) On \$1,000,000 (for General Corporate Purposes).
 - (F) On \$1,000,000 (for General Corporate Purposes).
 - (G) On \$950,000 (for General Corporate Purposes).

- (H) On \$790,000 (for General Corporate Purposes).
- (I) On \$1,000,000 (for General Corporate Purposes).
- (J) On \$970,000 (for General Corporate Purposes).
- (K) On \$800,000 (for General Corporate Purposes).

- (L) On \$950,000 (for General Corporate Purposes).
- (M) On \$700,000 (for General Corporate Purposes).

[\(Council Communication No. 05-201\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 27. Approving payment of \$833.83 to Ahlers & Cooney for services related to Supplement No. 16 of the Master Lease Program.

- 28. Approving payments of \$1,515 to Myers & Jenkins for UAL Corporation Bankruptcy and ATA Holding Corp. Bankruptcy and \$554.85 to Barnes & Thornburg, LLP to represent City in ATA Holding Corporation Bankruptcy.

- 29. Approving payment of \$5,811.30 to Hall & Associates for legal services in conjunction with the Iowa Department of Natural Resources in the issuance of a National Pollution Discharge Elimination System permit for the Wastewater Reclamation Authority Treatment Plant.

- 30. Approving payment of \$1,007.50 to Nyemaster, Goode, Voights, West, Hansell & O'Brien, P.C. for airport title opinion work.

- 31. Approving payment of \$688.50 to Sullivan & Ward, P.C. Law Firm to assist in matters pertaining to the National Pollution Discharge Elimination System Permit (NPDES) and environmental issues in lease and use agreements.

- 32. Approving payment of \$8,084.10 to Gary Rebel for workers compensation claim for injury suffered in course and scope of employment.

CITY MANAGER COMMUNICATIONS

33. Communication from City Manager regarding approval of 2006 Action Plan Schedule for the 2005-2009 HUD Consolidated Plan.

[\(Council Communication No. 05-195\)](#)

34. Submitting traffic regulation changes as follows:

- (A) Speed and One-Way Streets Code Update.
- (B) Prohibited/Limited Parking Code Update.
- (C) Parking Meter and Time Zones Code Update.
- (D) Miscellaneous Chapter 114 Sections Code Update.
- (E) Parking Time Restriction for Handicapped Parking Meter—500 Block of Locust Street.
- (F) Modification of Parking Restrictions—Vicinity of Iowa Events Center.
- (G) Convert Meter EG-511 from a Handicapped Parking Meter to a Standard Use Parking Meter.
- (H) Parking Restriction—South Side of Garfield Avenue between E. 34th Street to E. 36th Street.
- (I) Corner Clearance—North Side of Elizabeth Avenue, east of E. 22nd Street.
- (J) Stop Signs and Parking Restrictions—47th Street at Euclid Avenue.
- (K) Parking Restriction Modifications due to the Addition of a Left-Turn Lane near the Iowa Events Center—Crocker Street and 5th Avenue.

[\(Council Communication No. 05-190\)](#)

35. Submitting out-of-state travel requests for Michael Armstrong, Terrance Vorbrich, Jan Owens Bruene, Jennifer Sayers, William Stowe, and Phillip Vorlander.

[\(Council Communication No. 05-200\)](#)

APPROVING

36. Affordable Housing and Homeless Partnership (AAHHP) Homeless Transportation Plan, Churches United Shelter & Primary Health Care Transportation projects for homeless transportation services.

[\(Council Communication No. 05-191\)](#)

37. Closeout documents for Fiscal Year 2001 Shelter Plus Care (S+C) Program Grant, \$619,200.
38. Assignment of License Agreement for building encroachment (Keck City Center at 500 Grand Avenue).
39. Professional Services Contract with ETC Institute, (Elaine Tatham, President, Olathe, KS) for development and implementation of Citizen Satisfaction Survey.

[\(Council Communication No. 05-208\)](#)

40. Authorizing and providing for the issuance of \$28,430,000 General Obligation Refunding Bonds, Series 2005A.
 - (A) Authorizing redemption of General Obligation Refunding Bonds, Series 1996F and General Obligation Bonds, Series 1998D.
41. Resolution to correct ordinance number on resolutions to establish Franchise Fees.
 - (A) Gas Franchise fee.
 - (B) Electric Franchise fee.
42. 28E Agreement with Des Moines Independent Community School District for Southeast Parkland Acquisition to develop a community school park campus.

[\(Council Communication No. 05-180\)](#)

- (A) Acceptance of real estate documents for the proposed Southeast Park and Library site.
43. Execution of 28E Agreement with City of Norwalk and Warren County for road improvements.
- [\(Council Communication No. 05-205\)](#)
44. Bids from the following:
- (A) Various vendors for fire fighting supplies to be used by the Fire Department, \$92,357.58. (Twelve bids mailed, seven received.)
 - (B) Bituminous Materials & Supply for annual contract with two additional one-year renewal options to furnish emulsified asphalt materials to be used by the Street Maintenance Division of Public Works. (Two bids mailed, one received.)
- [\(Council Communication No. 05-179\)](#)
- (C) Vogel Paint & Wax Company for annual contract with two additional one-year renewal options to furnish traffic paint to be used by the Traffic & Transportation Division. (Ten bids mailed, three received.)
- [\(Council Communication No. 05-206\)](#)
- (D) Carpenter Uniform Company for personal protective equipment to be used by the Police Department, \$78,256.50. (Eight bids mailed, three received.)
- [\(Council Communication No. 05-198\)](#)
45. Receipt of the Legislative Update for the 81st Iowa General Assembly.
46. Civil Service Entrance Lists for Park Maintenance Mechanic, Real Estate Coordinator, and Promotional Lists for Street Sweeper Operator, Public Works Section Chief, Senior Engineering Technician, Senior Police Officer, and Plumbing Inspector.
47. Authorizing Finance Director to draw checks on the registers of April 14 and April 21, 2005; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 11 and April 18, 2005; and to draw checks for biweekly payroll due April 15, 2005.

ORDINANCES - FINAL CONSIDERATION

- 48. On vacation of the north/south alley between 41st and 42nd Street, from Rollins Avenue to 250' north.

ORDINANCES - SECOND CONSIDERATION

- 49. Amending Chapter 118 of the Municipal Code regarding sanitary sewer fees.
- 50. Amending Chapter 22 of the Municipal Code regarding powers and responsibilities of the Des Moines International Airport Board to establish Fair Market Value on Airport property acquisitions of \$10,000 or less.
- 51. Enacting new Sections 60-1 through 60-377 of the Municipal Code regarding neighborhood inspection rental code, real estate installment contract sales inspection and residential public nuisance code.

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

ORDINANCES - FIRST CONSIDERATION

- 52. Amending chapter 118 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Traffic Signal Control Revisions.
 - (B) Stop Signs at 26th Street and Holcomb Avenue.
 - (C) Parking Restrictions to Facilitate Movement of Solid Waste Vehicles--5400 Block of SE 6th Street.
 - (D) Parking Restrictions to Facilitate New Drop-Off Postal Boxes—South Side of Grand Avenue between 14th Street and 15th Street.
 - (E) Loading Zone Modifications—Vicinity of Civic Center Court Apartments and the Iowa Historical Building.
 - (F) Corner Clearance—North Side of Clark Street, East and West of 24th Street and 25th Street.
 - (G) Railroad Crossing Revisions.

- (H) Stop Signs and Corner Clearance Parking Restrictions on 24th Street.
- (I) Removal of Parking Meters—Third Street between Court Avenue and Walnut Street.

HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 53 THRU 65)

- 53. On appeal from Mario McPherson, 3703 – 3rd Street regarding Administrative Hearing Officer’s decision on impounded vehicle.
- 54. On vacation and sale 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 to Amazing Grace Ministries and Outreach Church, \$675.

[\(Council Communication No. 05-185\)](#)

- (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by applicant) requires six votes.
 - (C) Approve and accept real estate documents for property south of and adjacent to 1500 –23rd Street.
- 55. On items regarding property in the vicinity of 900 18th Street:
 - (A) Recommendation from Plan and Zoning Commission to approve amendment to Des Moines’ 2020 Community Character Land Use Plan by amending future land use designation from Park/Open Space and Pedestrian Oriented Commercial Corridor to Mixed-Use and Density with the condition that the Open/Space designation remain for area west of 19th and south of Cottage Grove, not to include the triangle to the east of 19th Street.
 - (B) Hearing to rezone property in the vicinity of 900 – 18th Street from “C-2” (General Retail and Highway-Oriented Commercial) to “R-3” (Multi-Family Residential), “RHD” (Residential Historic) and “NPC” (Neighborhood Pedestrian Commercial); and to rezone “RHD” (Residential Historic), “R-3” (Multi-Family Residential) and “R1-60” (One-Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial.)
 - (C) First consideration of ordinance above.

56. On request from Seabass, LLC to rezone property at 1832 Delaware from Limited “C-1” (Neighborhood Retail Commercial) and “C-O” (Commercial Residential) to “M-1” (Light Industrial) to allow development of a charter bus storage and maintenance facility.
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by applicant), requires six votes.
57. On permanent and temporary easements across City-owned property in the vicinity of the Southeast corner of 2nd Avenue and School Street to the Board of Water Works Trustees of the City of Des Moines, \$2 plus closing costs.
58. On Gas easement and Above Ground Regulator Station needed by Mid American Energy across City-owned property northeast of SW 9th Street and County Line Rd. intersection, \$1.
59. On easement needed by Mid American Energy for an Underground Electric Line Easement across City-owned property at 101 SW 4th Street, \$1.
60. On easement needed by Mid American Energy for electric lines and electric vault across City-owned property at 1000 Grand Avenue, \$1.
61. On easement needed by Mid American Energy for an electric line easement across property owned by Employers Mutual Casual Company located at 8th Street Parking Garage Project, \$1.
62. On proposed Connection Fee Ordinance for Clover Hill Area Trunk Sewer System Benefited District.

[\(Council Communication No. 05-181\)](#)

- (A) First consideration of ordinance above.
63. On 2004-05 Paving Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corp, (J.M. Yonker, President, Grimes, IA), \$924,910.90.
 - (A) Approving contract and bond and permission to sublet.
64. On Park Avenue Widening-SW 42nd Street to SW 56th Street: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate

and designating lowest bidder as M. Peterson Construction Co. (Merlin Peterson, President), \$2,621,152.22.

- (A) Approving contract and bond.
 - (B) Approving assignment of contract to Nuckolls Concrete Services, Inc. (Kurt E. Rasmussen, President, DSM).
 - (C) Approving request from Nuckolls Concrete Services, Inc. for permission to sublet.
 - (D) Approving Nuckolls Concrete Services, Inc. as completion subcontractor for all M. Peterson Construction Co. subcontract work.
 - (E) Approving Nuckolls Concrete Services, Inc. as completion contractor for M. Peterson Construction Co. on all private construction contracts.
65. On Western Gateway Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and to receive and file bids.

**** END HEARINGS AT ____ PM ****

APPROVING

66. Resolution regarding establishing Quiet Zones.
67. Amending the Schedule of Fees to waive fees for temporary signage for qualified neighborhood sponsored events.
- [\(Council Communication No. 05-196\)](#)
68. Resolution regarding Solid Waste Collection at Multiple Family Units.
- [\(Council Communication No. 05-209\)](#)
69. Settlement Agreement and Memorandum of Understanding with Warren County regarding annexation and provision of public services by Des Moines to portions of northern Warren County.
- (A) Setting Date of Hearing on Annexation Moratorium Agreement and Intergovernmental 28E Agreement with Indianola and Warren County establishing an area between Des Moines and Indianola into which both cities agree not to annex for a period of ten years.

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 Vlassis to discuss formation of a Municipal Fiber Optic Utility.
2. Adopting new Skywalk System Plan Map, which identifies additional planned skywalk corridor and skywalk bridge.
 - (A) Final consideration of ordinance above.

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) 1942 Arlington Avenue, Titleholder: J & M Investments; Mortgage Holder: First Bank.
 - (B) 2230 Lyon Street, Titleholders. Rosie M Wensel and Lee Wensel.
 - (C) 1526 E. 12th Street, Titleholder: CitiFinancial Mortgage Company, Inc f/k/a Associates Financial Services Company, Inc.
 - (D) 1603 E. 28th Street, Titleholder: 2221 Carpenter, LLC.
2. The Engineering Department to cause the removal of 1161 Bundy Street, Titleholder: Jeff Tinlin.

COMMUNICATION

3. Communication regarding demolition cost reserve being held by Allied Insurance for the fire-damaged house located at 1308 E. Thornton Avenue.

MOTION TO ADJOURN AT _____ P.M.

All-America City
1949 1976 1981 2003