

DES MOINES CITY COUNCIL MEETING

July 12, 2004 4:30 PM

SPECIAL PRESENTATIONS (4:15 PM)

Recognition of YouthBuild

INVOCATION: Dr. Ray Miles
United Church of Christ

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

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***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 67:

LICENSES AND PERMITS

- 4. Approving the following applications for Alcoholic Beverage Licenses:

NEW APPLICATIONS

(A)	AH BLANK GOLF COURSE	711 COUNTY LINE ROAD	C Liquor
(B)	AIRPORT HOLIDAY INN	6111 FLEUR DR	B Liquor
(C)	APPLEBEES NEIGHBORHOOD GRILL	3900 MERLE HAY RD	C Liquor
(D)	APPLEBEES NEIGHBORHOOD GRILL	6301 SE 14TH ST	C Liquor
(E)	BEAVERDALE VFW CLUB	4029 URBANDALE AVE	A Liquor
(F)	CHUCKS RESTAURANT	3608 6TH AVE	C Liquor
(G)	CRIMMINS CATTLE CO	4901 FLEUR DR	C Liquor
(H)	DELL OIL LTD	5800 SW 9TH ST	C Beer
(I)	DES MOINES AMVETS POST #2	2818 5TH AVE	C Liquor
(J)	EMBASSY CLUB	801 GRAND AVE	A Liquor
(K)	EMBASSY CLUB	801 GRAND AVE	B Wine
(L)	EMBASSY CLUB	400 LOCUST STREET	C Liquor
(M)	GIT N GO STORE #26	2140 E PARK AVE	C Beer
(N)	GIT N GO STORE #7	1829 6TH AVE	C Beer
(O)	JOHNNYS HALL OF FAME LOUNGE	302 COURT AVE	C Liquor
(P)	LA PIZZA HOUSE	1013 SE 14TH STREET	C Liquor
(Q)	LATIN KING RESTAURANT	2200 HUBBELL AVE	C Liquor

(R)	LOCUST TAP	434 E LOCUST ST	C Liquor
(S)	LUCKYS	1119 GRAND AVENUE	C Liquor
(T)	MASTER JACKS	3000 E GRAND AVE	B Beer
(U)	ORLONDOS	4337 PARK AVE	C Liquor
(V)	PDS PUB	3803 SW 9TH STREET	C Liquor
(W)	RAULS TACO HOUSE	1541 E GRAND AVE	C Liquor
(X)	RICHARDS EXTRA INNINGS LOUNGE	1500 SE 1ST ST	C Liquor
(Y)	STOCKMANS INN	3000 E GRAND AVE	B Beer
(Z)	WAKONDA CLUB	3915 FLEUR DR	C Liquor
(AA)	WAKONDA CLUB	3915 FLEUR DR	B Wine

OUTDOOR SERVICE APPLICATIONS

(BB)	KENNY D'S	3925 E 14TH STREET	C Liquor
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Temporary Outdoor Service area on July 31, 2004. Pending approval of Building, Electrical, Fire and Zoning Departments.

SPECIAL EVENTS APPLICATIONS

(CC)	EMBASSY SUITES HOTEL	25 E WALNUT AVE	C Liquor
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Five-Day License for Booth A at Taste of Des Moines on July 23 and 24, 2004. Pending approval from the Building Department.

(DD)	EMBASSY SUITES HOTEL	25 E WALNUT AVE	C Liquor
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Five-Day License for Booth B at Taste of Des Moines on July 23 and 24, 2004. Pending approval from the Building Department.

(EE)	SOCIETY OF ITALIAN AMERICANS	1801 MCKINLEY AVE	B Beer
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Five-Day License for the Society of Italian American Festival on July 29th through August 2, 2004.

5. City Clerk to issue Cigarette Licenses.
6. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
 - (A) East 30th Street Resurfacing from Dean Avenue North 0.5 Mile to Maple Street – Receiving of Bids, (7-20-04), and Setting Date of Hearing, (8-9-04), (Construction Estimate - \$230,000).
 - (B) Glendale Cemetery 2004 HMA Overlay – Receiving of Bids, (8-3-04), and Setting Date of Hearing, (8-9-04), (Construction Estimate - \$46,260).
 - (C) Greenhouses at Chesterfield – Receiving of Bids, (8-3-04), and Setting Date of Hearing, (8-9-04), (Construction Estimate - \$400,000).

[\(Council Communication No. 04-351\)](#)

8. Communications from Waldinger Corporation and Jasper Construction Services, Inc. for permission to sublet on the Central Business District Traffic Signal Upgrade and the Highland Park Streetscape.
9. Authorizing execution of Iowa Department of Transportation Change Order No. 18 to the Keo Way (Birds Run) Phase 1 Storm Sewer Outlet Project in an amount not to exceed \$121,680.

[\(Council Communication No. 04-338\)](#)
10. Approving of Request for Proposals (RFP) for Design and Construction Phase Services of the Southeast Connector and authorization to proceed with consultant selection.

[\(Council Communication No. 04-336\)](#)
11. Approving designation of lowest responsible bidder as Grimes Asphalt & Paving Corp., (J.M. Yonker, President, Grimes), – American Discovery Trail Riverpoint Segment, \$886,814.50.

[\(Council Communication No. 04-337\)](#)

 - (A) Approving contract and bond and permission to sublet.
12. Approving Change Order No. 6 with Jasper Construction Services, Inc. for additional work on Highland Park Streetscape Project, not to exceed \$31,358.65.

[\(Council Communication No. 04-349\)](#)
13. Approving private construction contracts for the following:
 - (A) Sanitary sewer, storm sewer and paving improvements in Culver Ridge Estates Plat 1 between Eco-Tech Construction and TCK Development, L.L.C.
 - (B) Storm Sewer Extension Improvements in Meadowlands Drive between Halbrosk Excavating Inc. and DM/Meadows, LLP.
14. Accepting completed construction and approving final payment for the following:
 - (A) Grand Avenue at Watson Powell Way Emergency Sewer Repair, The Underground Company, Ltd.
 - (B) City Hall Cooling Tower Replacement, Central Iowa Heating Co.

15. Authorization to proceed with construction of Sidewalk Program/Request to Repair Driveway Petition and Waiver forms executed by three property owners.

SPECIAL ASSESSMENTS

16. Levying assessments for costs of Nuisance Abatement-2002 Sidewalk Repair Program, Schedule No. 2004-33.
17. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule No. 2004-08.
18. Approving Delinquent Sewer Rental and/or Solid Waste Stormwater Utility fees for June 2004.
19. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for June 2004.

LAND/PROPERTY TRANSACTIONS

20. Approving real estate documents for property at 1318 Grand Avenue for Western Gateway Project, \$24,300 plus closing costs.
21. Approving real estate documents for property at 4300 block of SW 56th Street for the Airport Runway 13R/31L Project, \$30,000 plus closing costs.
22. Approving real estate documents for property at 5519 McKinley Avenue for the Airport Runway 13R/31L Project, \$ 200,000 plus closing costs.
23. Approving real estate documents for property at 2909 County Line Road, for future Airport Runway Protection Zone Project, \$573,300 plus closing costs.
24. Approving release of sanitary sewer easement in vicinity of 4202-4216 Douglas Avenue to Zhu and Chen Enterprises, L.L.C. d/b/a Taste of China.

25. Approving tax abatement applications that were timely filed for additional value added by improvements made during 2003 for property at 4103 and 4113 Bay View Court.

[\(Council Communication No. 04-334\)](#)

26. Approving final subdivision plat entitled WOODS ON THE RIVER PLAT 7, located in vicinity along E. King Avenue and east of SE 22nd Street.

[\(Council Communication No. 04-333\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

27. Recommendation of Mayor Frank Cownie to appoint himself and Council Member Archie Brooks to the Polk County/Prairie Meadows Ad Hoc Committee, and Council Member Chris Coleman will serve as alternate.
28. Recommendation of Council Member Robert Mahaffey to appoint Richard Bason to the Housing Appeals Board (Seat 5) for a three-year term commencing March 16, 2002 and expiring March 16, 2005.
29. Recommendation of Mayor Frank Cownie to appoint Peter Sand to the Zoning Board of Adjustment (Seat 1) for a five-year term commencing April 3, 2001 and to expire April 3, 2006, and to accept his resignation from the Board of Library Trustees (Seat 3) effective upon his appointment to the Zoning Board of Adjustment.
30. Recommendation of Council Member Christine Hensley to appoint Dr. Frank E. Affannato to the Neighborhood Revitalization Board (Seat 4) for a three-year term commencing June 30, 2003 and expiring June 30, 2006.

COMMUNICATIONS FROM PLANNING AND ZONING

31. Regarding request from Regency Homes, for conditional approval of a preliminary plat for STERLING TRACE, at 3400 E. Payton Avenue.

SETTING DATE OF HEARINGS

32. On Zoning Ordinance text amendments to establish a new “GGP” (Gambling Games Prohibition Overlay District), applicable to a specified portion of the City bounded generally by Euclid Avenue and E. Euclid Avenue on the north, Park Avenue and E. Park Avenue on the South, E.

14th Street and SE 14th Street on the east, and M.L. King Jr. Parkway, 18th Street and Fleur Drive on the west, (7-26-04).

[\(Council Communication No. 04-342\)](#)

33. On City-initiated request to rezone property generally bounded by Des Moines Street on the north, E. Court Avenue on the south, E. 7th Street on the east and E. 2nd Street on the west, to impose the “PSO” (Pedestrian Oriented Sign Overlay District), in addition to the existing underlying zoning district regulations, (7-26-04).

[\(Council Communication No. 04-341\)](#)

34. On Zoning Ordinance text amendment to establish a new “PSO” (Pedestrian Oriented Sign Overlay District), to regulate the permitted type, size and location for signs on property, (7-26-04).

[\(Council Communication No. 04-340\)](#)

35. On vacation and conveyance of the east/west and north/south alleys between Arthur Avenue and E. Holcomb Avenue, west of Saylor Road, to Frank T. and Deborah L. Pierce, \$125, (7-26-04).

36. On vacation of the north/south alley right-of-way between Granger Avenue and Dunham and between Indianola Road and South Union, (7-26-04).

37. On conveyance of property at 907 SW 62nd Street to Robert J. and Bonnie M. Netteland, \$5,576, (7-26-04).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

38. Approving payment of \$83,000 to Damon Head for injuries sustained during course and scope of his employment.

39. Approving payment of \$1,328.00 to William Jenkins of Myers & Jenkins for representation of the City in the UAL Corporation bankruptcy.

40. Approving employment of Spiegel & McDiarmid to consult and perform services to facilitate Economic Development, Community Revitalization, Homeland Security and related projects.

[\(Council Communication No. 04-343\)](#)

CITY MANAGER COMMUNICATIONS

41. Submitting out-of-state travel requests for Roger Craig, Bruce Bergman, Terrence Timmons, Jeffrey Morton, Rodrigo Santizo, Jeff Cronin, W. David Lockard, Sandra Morris and Susan Low.

[\(Council Communication No. 04-321\)](#)

42. Submitting various traffic regulation changes as follows:
 - (A) Corner Clearance – East Side of E. 18th Street, North of Easton Boulevard.
 - (B) Corner Clearance – West Side of Ure Street, North of E. University Avenue.
 - (C) Corner Clearance – South Side of Kirkwood Avenue, West of South Union Street.
 - (D) Additional Metered Parking Spaces – South Side of Walnut Street, East of 15th Street.

[\(Council Communication No. 04-339\)](#)

APPROVING

43. Community Services Block Grant (CSBG) Community Action Plan application to Iowa Department of Human Rights/Division of Community Action Agencies for 2004-2005 CSBG Program Year.
44. Revision of Community Development Block Grant (CDBG) carryover funding amount for 2004 Neighborhood Conservation Services (NCS) Owner Occupied Rehabilitation Program.
45. Letter of Agreement with the Catholic Pastoral Center for the Holiday Food Project.
46. Lease Agreements with Polk County for Department of Human Services (DHS) office space at Logan Community Center and Congregate Meal

Sites at Archie Brooks, Chesterfield, Logan and Scott Four Mile Community Centers.

47. Continuum of Care Program Application to U.S. Department of Housing and Urban Development (HUD) for Supportive Housing Program (SHP) and Shelter Plus Care (S+C) supplemental funding for local homeless programs.

[\(Council Communication No. 04-353\)](#)

48. Investment Agreement with United Way of Central Iowa for Community Development Department's Community Action Program from July 1, 2004 to June 30, 2005, \$18,847.

49. Preliminary approval for a \$42,000 loan from the City to Data Builder, Inc. for an economic development project to be located at 6000 Grand Avenue.

[\(Council Communication No. 04-322\)](#)

50. Employers Mutual Casualty Company (EMC) Application to Iowa Department of Economic Development for Enterprise Zone Benefits for a project in Gateway Enterprise Zone.

[\(Council Communication No. 04-335\)](#)

51. Purchase of 1308 Grand Avenue in Western Gateway from Neighborhood Improvement Corporation, \$192,663.62.

[\(Council Communication No. 04-332\)](#)

52. Issuance of \$8,510,000 Stormwater Management Utility Revenue Bonds, Series 2004F, and providing for payment.

53. Agreements with MidAmerican Energy Company for the following:

- (A) Street Lighting Service Agreement.

[\(Council Communication No. 04-324\)](#)

- (B) Value-added Service Agreement.

[\(Council Communication No. 04-327\)](#)

54. Electric Distribution System Agreement with MidAmerican Energy for Sylvan Theater Restoration Project for relocation of electric secondary distribution off 45th Street in Greenwood Park, not to exceed \$5,938.

55. Technical Engineering Contract and Energy Audit Contract for three party professional services with Brown Engineering Company and MidAmerican Energy to complete Energy Management Plan for 23 City buildings.

[\(Council Communication No. 04-352\)](#)

56. Acceptance of National Center for Civic Innovation (NCCI) Government Performance Reporting Demonstration Grant Award.

[\(Council Communication No. 04-346\)](#)

57. Authorizing the execution of Federal Aviation Administration AIP Grant Agreement for the Airport Southeast Service Road Relocation.

[\(Council Communication No. 04-348\)](#)

58. Community Partnership Agreement with Des Moines Independent Community School District.

59. Clarifying Amendment to the Agreement with Greater Des Moines Community Foundation for administration of the Public Arts Program.

[\(Council Communication No. 04-326\)](#)

60. Contract renewal for Long Term Disability insurance for SPM, CIPEC, MEA and AFSCME Employees effective July 1, 2004.

[\(Council Communication No. 04-350\)](#)

61. Designation of Kurt Rueckel, Finance Department, as the City's authorized representative for FEMA, Federal Disaster Declaration #1518 for Polk County.

[\(Council Communication No. 04-323\)](#)

- 62. Application for Federal Assistance to access Grant Funds for Police and Fire Departments' Mobile Data System.
- [\(Council Communication No. 04-347\)](#)
- 63. Use of various City Facilities as poll sites for precincts 31, 36, 60, 64, and 82 for Regular School Election to be held Tuesday, September 14, 2004.
- 64. Bids from Inland Truck Parts and McKenna Truck Center for an annual contract with two additional one-year renewal options to furnish clutch, brake, suspension and driveline component parts and repair services to the Fleet Maintenance Center.
- 65. Civil Service Entrance Lists for Neighborhood Inspector, Fleet Services Mechanic, Plumber, Management Analyst, Deputy Building Official, and Radio Technician, and Promotional List for Parks Technician.
- 66. Authorizing Finance Director to issue checks on registers of July 15 and July 22, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of July 12 and July 19, 2004; and to draw checks for biweekly payroll due employees on July 23, 2004.

ORDINANCES - SECOND CONSIDERATION

- 67. On vacation of the dead end portion of the north/south alley, north of E. Ovid Avenue between Cornell and Columbia Streets.

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

ORDINANCES - FIRST CONSIDERATION

- 68. Amending Chapter 26 of the Municipal Code regarding unfit residential structures.
 - (A) Final consideration of item above (waiver requested by Community Development and Engineering Departments) requires 6 votes.

69. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows:
- (A) Corner Clearance – North Side of East Ovid Avenue, East of East 35th Street.
 - (B) Modifications to Metered Parking and Rush-Hour Restrictions – Areas of Locust Street from 12th to 15th Streets, Grand Avenue from 15th to 16th Streets and Grand Avenue to Locust Street.
 - (C) Corner Clearance – East side of 38th Street, South of Urbandale Avenue.
 - (D) Aurora Avenue Speed Limit Modifications.

COMMUNICATIONS/REPORTS

70. From Kimberline Ingram, 1111 9th Street regarding successes from 2004 Earned Income Tax Credit Campaign.
71. From Kent Sovern and Jacqui DiGiacinto regarding post Washington DC trip wrap-up and thank you.
72. From Louis R. Hockenber, Sullivan & Ward, P.C. regarding report submitted by Medical Management Systems.
73. From Marty Mauk, 2701 Arthur, regarding the Zoning Board of Adjustment.
74. From Mary Kathleen Balding, 3618 5th Avenue #1, DM, requesting to speak regarding cost of private clean-ups.

INFORMAL HEARINGS (Open at 5:30 PM)

75. Final consideration of ordinance amending Gas Franchise Ordinance extending term of franchise with MidAmerican Energy Company and amending franchise fees provided in ordinance.

76. Final consideration of ordinance amending Electric Franchise Ordinance by extending term of franchise with MidAmerican Energy Company and amending franchise fees provided in ordinance.

HEARINGS (Open at _____ PM) (Items 77 thru 86)

77. On request from A to Z Rental to rezone properties in the vicinity of 3749 and 3801 E. University Avenue from “C-1” (Neighborhood Retail Commercial) and “R1-60” (One Family Low Density Residential) to “C-2” (General Retail and Highway-Oriented Commercial) to allow for expansion to existing rental business with building addition to eliminate outdoor storage.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
78. On request from Eastgate Plaza L.L.C. to rezone properties at 3817 and 3819 East 14th Street and to amend the Eastgate Plaza PUD Concept Plan.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
79. On request from Chad Ogle d/b/a Action Auto Body to rezone property at 1710 S. Union Street from “R-3” (Multiple Family Residential) to Limited “M-1” to allow for development of property in conjunction with adjoining property for auto body repair shop.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by applicant) requires 6 votes.
80. On easement across City property at E. 37th and Easton Creek Crossing, with MidAmerican Energy, for gas lines and above ground regulator station, \$1,000.
81. On Voluntary Annexation of territory at 3930 SE 72nd Avenue, (approximately 217 acres), and to continue to August 9, 2004 at 5:30 P.M.
82. On 2004 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 Castellan, Grimes), \$148,140.

(A) Approving contract and bond.

83. On 10th Street and 12th Street Reconstruction: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder, President, DSM), \$382,999.99.

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

[\(Council Communication No. 04-344\)](#)

84. On 15th Street and Woodland Avenue Traffic Calming: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Jasper Construction Services, (Steven J. Rhoads, President, Newton), \$464,752.

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

(B) Approving Supplemental Agreement No. 3 with Snyder & Associates, Inc., (Stephen P. Rowe, President, Ankeny), for professional services for the 15th Street Corridor Improvements, \$10,240.

[\(Council Communication No. 04-345\)](#)

85. On Polk Boulevard and Ingersoll Avenue Intersection Streetscape: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Jasper Construction Services, Inc., (Steven J. Rhoads, President, Newton), \$128,539.13.

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

86. On 30th Street and Hickman Road Traffic Signal Upgrade: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Baker Electric, Inc., (Britt Baker, CEO, DSM), \$127,250.

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

END HEARINGS AT _____ PM

APPROVING

87. Resolution in support of E911 surcharge.

BOARD OF HEALTH

MOTION TO CONVENE.

1. Court authority to abate the public nuisance at the following locations:
 - (A) 2330 Dean Avenue, Titleholders: Ernie Enstminger and Mark Enstminger as the heir of Martha Enstminger.
 - (B) 3013 Cleveland Avenue (garage), Titleholder: Mary Hummell.
 - (C) 2750 Kinsey Avenue (garage), Titleholder: M.G. Daviston Trust, M. G. Davis Trustee.
 - (D) 2117 Washington Avenue, Titleholders: Edward Moss dba E.M. Corporation, Mark Garris, Jeff Kline, Paultett Parker, Marcus J. Young and Ann Moss; Contract Buyer: Elicio A. Cruz; Tax Certificate Holder: Katherine Halloran dba Wyoming 101.
 - (E) 1310 E. 38th Street, Titleholders: Robert D. and Shirlene Olson.
2. The Engineering Department to remove the structure located at the following locations:
 - (A) 1214 Buchanan Street, Titleholder: Richard Clough.
 - (B) 2817 2nd Avenue (garage), Titleholders: Steve and Christina Ekanger.
 - (C) 1548 E. 36th Street, Titleholders: Patricia L. Bean, Karen Carico, Larry Grady, Cheryl Twiss and Robert Willson.
3. Release of demolition cost reserve held by State Farm Insurance Companies regarding property known as 3305 Forest Avenue insured by Laura Capaldo.

MOTION TO ADJOURN AT _____ P.M.