

**DES MOINES CITY COUNCIL MEETING**

**August 23, 2004 4:30 P.M.**

**SPECIAL PRESENTATIONS (4:15 P.M.)**

Des Moines Kofu Exchange Program

**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 52:

**LICENSES AND PERMITS**

- 4. Approving Alcoholic Beverage Applications for the following:

**NEW APPLICATIONS**

(A)	EL MAYA	1244 E 14TH ST	C Liquor
(B)	FRATERNAL ORDER OF EAGLES	6567 BLOOMFIELD RD	A Liquor
(C)	GIT N GO STORE #36	4164 EASTON BLVD	C Beer

**RENEWAL APPLICATIONS**

(D)	CARLOS O'KELLYS MEXICAN CAFE	4371 MERLE HAY RD	C Liquor
(E)	CASEYS GENERAL STORE #2314	3527 INDIANOLA AVE	C Beer
(F)	CIGAR SOUCE	3305 INGERSOLL AVENUE	B Wine
(G)	CROATIAN FRATERNAL SLAVIC CTR	6575 INDIANOLA AVE	C Liquor
(H)	DRAKE TEXACO	3401 UNIVERSITY AVE	C Beer
(I)	FRATHOUSE	508 INDIANOLA RD	C Liquor
(J)	MERLE HAY HANDIMART	4151 MERLE HAY RD	C Beer
(K)	PHILLIPS 66 COMPANY 2706071	4402 DOUGLAS AVENUE	C Beer
(L)	PHILLIPS 66 COMPANY 2706074	2849 E EUCLID AVE	C Beer
(M)	QUIKTRIP #527	1215 6TH AVE	C Beer

(N)	SOME PLACE ELSE	1833 HUBBELL AVE	C Liquor
(O)	SUDS ON 2 <sup>ND</sup>	2801 2ND AVE	C Liquor
(P)	TOBACCO OUTLET PLUS #510	4821 SW 9TH ST	C Beer
(Q)	VICTORY LANE MOTOR SPORTS CAFÉ	3801 EASTON BLVD	C Liquor

#### SPECIAL EVENT APPLICATIONS

(R)	DRAKE UNIVERSITY	800 WALNUT ST	C Beer/Wine
(1)	Five-day License for special event on August 27, 2004. Pending approval of Building, Electrical and Fire Departments.		

5. City Clerk to issue Cigarette Licenses.

#### PUBLIC IMPROVEMENTS

6. Ordering construction of Glendale Cemetery Water Service – Receiving of bids, (9-7-04), Setting date of hearing (9-13-04), (Construction estimate - \$24,000).
7. Approving execution of Iowa Department of Transportation Preconstruction Agreement for E. University Avenue Interchange Reconstruction.

[\(Council Communication No. 04-419\)](#)

8. Accepting completed construction and approving final payment for the following:
  - (A) Police Dispatch Center Renovation, Bergstrom Construction, Inc.
  - (B) 2003 Sidewalk Replacement Program-Designated Neighborhoods, Johnson Concrete & Petroleum Construction Inc.
  - (C) Birdland Marina Entrance Repairs, The Underground Company, Ltd.
  - (D) 8<sup>th</sup> and Mulberry Parking Garage Demolition, Environmental Contractors of Illinois, Inc. and Metro Wrecking, Inc., A Joint Venture.
9. Approving Private Construction Contracts for the following:
  - (A) Sanitary Sewer Improvements in Sterling Trace Plat 1 between McAninch Corporation and Sterling Trace Development, L.C.
  - (B) Storm Sewer Improvements in Sterling Trace Plat 1 between McAninch Corporation and Sterling Trace Development, L.C.
  - (C) Paving Improvements in Three Lakes Estates Plat 6 between Sternquist Construction, Inc. and Erickson Development, Inc.

## **SPECIAL ASSESSMENTS**

10. Approving deletion of Special Assessments at 1823 Allison Avenue, Schedule 2004-08.
11. Approving deletion of NAC-Emergency Assessment at 1511 13<sup>th</sup> Street, Schedule 2004-29 and 1701 56<sup>th</sup> Street, Schedule 2004-78.

## **LAND/PROPERTY TRANSACTIONS**

12. Payment of condemnation award for acquisition of property at 120 Fourth Street for the Court Avenue Redevelopment Project, \$602,000 plus sheriff's fees and jury expenses.
13. Conditional approval of subdivision plat entitled STANTON LANDING Plat 1 located south of Stanton Avenue, north of Emma Avenue in vicinity of SW 29<sup>th</sup> Street.

[\(Council Communication No. 04-430\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

14. Recommendation of Council Member At-Large, Chris Coleman to reappoint Marian Gelb to Seat 6 on the Park and Recreation Board for a four-year term commencing June 30, 2004 to expire June 30, 2008.
15. Recommendation of Council Member At-Large, Michael Kiernan to reappoint Shirley Shaw to Seat 5 on the Historic Preservation Commission for a three-year term commencing March 28, 2004 to expire March 28, 2007.

## **COMMUNICATIONS FROM PLANNING AND ZONING**

16. Regarding request from Jay Flatt (Flatt Tire Center), 724 SE 14<sup>th</sup> Street, for vacation and conveyance of right-of-way along the north side of Maury Street between SE 12<sup>th</sup> and SE 14<sup>th</sup> Streets, the east/west alley running east of SE 12<sup>th</sup> Street between Shaw and Maury Streets and the north/south alley running south from Shaw Street between SE 12<sup>th</sup> and SE 14<sup>th</sup> Streets.

## **SETTING DATE OF HEARINGS**

17. On request from Eastgate Plaza LLC to amend the existing PUD Conceptual Plan for 1546 E. Euclid Avenue to define proposed retail center, bank and drive-thru restaurant, (9-13-04).

[\(Council Communication No. 04-423\)](#)

18. On request from Irene and Donna Palen to appeal decision of Historic Preservation Commission DENYING request for Certificate of Appropriateness at 818 15<sup>th</sup> Street (Sherman Hill Historic District), (9-13-04).

[\(Council Communication No. 04-431\)](#)

19. On request from Rottlund Homes of Iowa, Inc. to rezone 818 and 840 Polk Boulevard from R1-80 (One Family Residential) to PUD (Planned Unit Development) along with approval of The Reserve Townhome Development Concept Plan providing for 17 single family dwellings, (9-13-04).

(A) Communication from The Iowa Jewish Life Center, 900 Polk Boulevard, regarding the rezoning.

20. On conveyance of 1521 University Avenue to Elbert B. Jimmerson, \$1, (9-13-04).
21. On Application for Voluntary Annexation from Twin Eagles Development, L.L.C, for approximately 33 acres consisting of the NE 30<sup>th</sup> Place right-of-way extending west from NE 52<sup>nd</sup> Court, and an adjoining tract of land extending south to NE 23<sup>rd</sup> Avenue (Easton Blvd) and NE Oakhill Drive, (10-11-04).
22. On conveyance of portion of alley in the vicinity of 260 E 17<sup>th</sup> Street to James Theisen, \$400, (9-13-04).
- 22-I. Setting Date of Hearing on sale of City owned vacated alley right of way at 1111 McKinley Avenue to S & G Investment, Inc., \$50, (9-13-04).

## **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

23. Approving payment of \$6,353.20 to Kalawatti Kay Scheffler for payment of workers' compensation benefits for injury sustained during course and scope of employment.
24. Approving payment of \$1,048.55 to Nyemaster, Goode, West, Hansell & O'Brien, P.C. for airport title opinion work.
25. Approving payment of settlements not exceeding \$5,000.

26. Approving payment of \$7,538.85 to Shawn Martin for payment of workers' compensation benefits for injury sustained during course and scope of employment.

## **CITY MANAGER COMMUNICATIONS**

27. Submitting various traffic regulation changes as follows:
  - (A) Parking Restrictions to facilitate garbage collection-Area of SE 14<sup>th</sup> Court and East Vine Street; Carpenter Avenue from the 3817 Carpenter Avenue to the Dead End; and Hunter Avenue from 3811 Hunter Avenue to the Dead End.
  - (B) Additional Metered Parking-South Side of Des Moines Street from E. 5<sup>th</sup> Street to E. 6<sup>th</sup> Street.
  - (C) Corner Clearance-North Side of East Sheridan Avenue, East of E. 42<sup>nd</sup> Street.
  - (D) Speed Limit Change from 30 mph to 25 mph-Kingman Boulevard from 25<sup>th</sup> Street to Polk Boulevard and Cottage Grove Avenue from 215<sup>th</sup> Street to 42<sup>nd</sup> Street.
  - (E) Four-Way Stop-Wolcott Avenue and SW 35<sup>th</sup> Street.
  - (F) Four-Way Stop for 9<sup>th</sup> Street and Clark Street and Parking Restrictions for 11<sup>th</sup> Street and Clark Street.

[\(Council Communication No. 04-422\)](#)

28. Submitting out-of-state travel requests for Tom Vlassis, Michael Armstrong, Allan Tunks, Donald Tripp, Donald McLaughlin, Doug Romig (2), and Kenneth Danley.

[\(Council Communication No. 04-406\)](#)

## **APPROVING**

29. Cooperative Agreement with the U.S. Department of Housing and Urban Development (HUD) to provide funding for Des Moines Human Rights Commission to investigate housing discrimination complaints.

30. Neighborhood Commercial Revitalization Program Loan (NCR) in the amount of \$65,000 for renovation of 412, 414 and 416 E. 5<sup>th</sup> Street.

[\(Council Communication No. 04-432\)](#)

31. Economic Development Grant of \$30,000 to Beavertdale Business Coalition for costs associated with the Neighborhood's Urban Neighborhood Commercial District Pilot Project.

[\(Council Communication No. 04-414\)](#)

32. Support of a Cultural and Entertainment District designation for the Capitol East Cultural District.

[\(Council Communication No. 04-415\)](#)

33. First Amendment to Development Agreement with 10<sup>th</sup> Street Lofts, L.L.L.P. for an economic development grant for \$64,000 in lieu of the City making surface improvements.

[\(Council Communication No. 04-418\)](#)

34. Forest Avenue Corridor Strategy.

- (A) Agreement for Professional Services with Economic Research Associates for a market assessment of Forest Avenue Corridor Area.

[\(Council Communication No. 04-416\)](#)

- (B) Communication from Drake Neighborhood Association.

35. Professional Services Agreement with Water's Edge Aquatic Design, LLC to provide services for completion of an Aquatics Study for three aquatic centers, two swimming pools and a possible future enclosed aquatics facility, \$42,250.

[\(Council Communication No. 04-426\)](#)

36. Agreement with Meredith Corporation for City acceptance of playground equipment for M. L. King, Jr. Park.

[\(Council Communication No. 04-425\)](#)

37. Authorizing the execution of Federal Aviation Administration AIP Grant Agreement, for Airport Runway 13-31 Rehabilitation, Phase 1.

[\(Council Communication No. 04-428\)](#)

38. 2005 Governor's Traffic Bureau Grant for funds for officer overtime and training related specifically to traffic enforcement.

[\(Council Communication No. 04-412\)](#)

39. Intergovernmental 28E Agreement with the Iowa Alcoholic Beverages Division for the tobacco compliance program.

[\(Council Communication No. 04-417\)](#)

40. Declaration of Subordination Non-Disturbance and Attornment Agreement and Estoppel Certificate for Jann Realty, 1901 Bell Avenue, (property used for Police Department storage of seized vehicles).

[\(Council Communication No. 04-410\)](#)

41. Redirection of 2005 Federal Juvenile Accountability Incentive Block Grant funds to the Polk County Decategorization Project for implementation of juvenile justice accountability programs.

[\(Council Communication No. 04-409\)](#)

42. Professional Services Contract with ETC Institute (Olathe, KS) for the development and implementation of a citizen satisfaction survey, \$9,600.

[\(Council Communication No. 04-407\)](#)

43. Applications to IDOT for Congestion Mitigation and Air Quality Improvement (CMAQ) Funds for The Fleur Drive Traffic Signal Interconnection Upgrading project and The Downtown Parking "Wayfinding" Project.

[\(Council Communication No. 04-421\)](#)

44. Authorization to proceed with Request For Qualifications for Iowa Highway 5 Corridor and North River Development Planning Study.

[\(Council Communication No. 04-420\)](#)

45. Communication from Downtown Community Alliance requesting approval on behalf of the Iowa Health System to approve banner design for 58 banners downtown on Grand Avenue during September.

46. Issuance of Request for Proposals (RFP) to solicit a Master Lease-Purchase Agreement from the equipment-leasing industry.

[\(Council Communication No. 04-408\)](#)

47. Annual Service Agreement with E. J. Ward, Inc. for Automated Fuel Dispensing Management System.

[\(Council Communication No. 04-413\)](#)

48. Authorizing the procurement of replacement pumps and related equipment for the Clark Street Stormwater Pump Station from Electric Pump and Tool Services, Inc. (Dick Miller, President), \$252,650.

[\(Council Communication No. 04-424\)](#)

49. Bids from the following:

- (A) Pomeroy IT Solutions per State of Iowa Contract CT2708 contract for CISCO Systems network upgrade equipment to be used by the IT Department, \$57,453.
- (B) Tri State Company for an outfront rotary mower to be used by the Park and Recreation Department, \$34,735.

[\(Council Communication No. 04-427\)](#)

50. Civil Service Entrance Lists for Intermediate Clerk and Police Budget Specialist, and Promotional Lists for Senior Police Officer, and Senior Refuse Collector.

51. Authorizing the Finance Director to draw checks for the registers of August 26 and September 2, 2004; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of August 23 and August 30, 2004 and to draw checks for biweekly payroll on September 3, 2004.

**ORDINANCES - SECOND CONSIDERATION**

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

- (A) Parking Restrictions to include newly-constructed areas of Sweetwater Drive.
- (B) Parking Restriction – east side of SW 38<sup>th</sup> Place from Park Avenue north to and including the cul-de-sac.

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



**HEARINGS (Open at \_\_\_\_\_ P.M.) (Items 53 thru 59)**

53. On appeal from Chuck and Ann Irvine, 711-45<sup>th</sup>, of the Hearing Officer's decision regarding their dog.
  54. Items regarding the Greenhouses at Chesterfield Project:
    - (A) Resolution to REJECT all bids and close the hearing on plans, specifications, form of contract documents and Engineers estimate.
    - (B) Approving Supplemental Agreement No. 1 for additional design phase services, \$13,500.
- [\(Council Communication No. 04-429\)](#)
55. On sale of City property at 1515 and 1519 Stewart Street, to Jack and Julie Brooks, \$7,200.
  56. Items regarding Sec Taylor Stadium/Principal Park:
    - (A) On amendment to lease agreement with Greater Des Moines Baseball Co. (GDMB) to allow renaming of Sec Taylor Stadium to Principal Park and extend term of lease to December 31, 2022 with two five-year renewal options and to provide for the construction and use of a trail along the Des Moines and Raccoon Rivers.
    - (B) Approving agreement with Greater Des Moines Baseball Co. GDMB for funding of outdoor seat replacement.
    - (C) Amending Chapter 74 of the Municipal Code renaming Sec Taylor Stadium to Principal Park Stadium.
      - (1) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.
  57. On Clark Street-27<sup>th</sup> to 29<sup>th</sup> Streets Storm Sewer Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Van Hauen & Associates, Inc. (Mark Van Hauen, Vice President/CEO, Clive), \$621,000.
    - (A) Approving contract and bond, and permission to sublet.

58. On Douglas Avenue Intersection Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as P. G. Construction, Inc. (Keith Purdy, DSM), \$80,582.40.
- (A) Approving contract and bond, and permission to sublet.
59. On 44<sup>th</sup> Street and Forest Avenue Sewer Separation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Van Hauen & Associates, Inc. (Mark Van Hauen, Vice President/CEO, Clive), \$157,000.
- (A) Approving contract and bond, and permission to sublet.

END HEARINGS AT \_\_\_\_\_ P.M.

### **APPROVING**

60. Advanced Data Processing, Inc. (Miami, Florida) to provide ambulance service billing for three-year period beginning October 1, 2004 with the option of two one-year renewals. **(Deferred from August 9, 2004).**

[\(Council Communication No. 04-411\)](#)

### **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 License Agreement with Nelson Development, L.L.C. in conjunction with development of Science Center Museum in Metro Center Urban Renewal Area. SPONSOR: Hensley.
2. Approving Change Order no. 2 with Rognes Corporation for additional work on Upper Union Park Separation Phase II Project, \$18,335. SPONSOR: Mahaffey.

## BOARD OF HEALTH

MOTION TO CONVENE.

### AUTHORIZING

1. Court authority to abate the public nuisance at the following locations:
  - (A) 1244 13<sup>th</sup> Street, Titleholder: Union Planters Bank, NA.
  - (B) 2818 Cottage Grove Avenue, Titleholder: Brett and Jane A. Anderson; Contract Buyers: Patricia Properties, Pablo and Audrey Saucedo; Mortgage Holders: Polk County Bank, First Union Mortgage and US Bank National Association.
  - (C) 3412 Dubuque Avenue, Titleholder: Jerry L. Holman, Jr.
  
2. The Engineering Department to remove the following structures:
  - (A) 1448 4<sup>th</sup> Street, Titleholder: Osceola, Inc.; Contract Buyer: Margarita Alonso.
  - (B) 2207 E. 14<sup>th</sup> Street, Titleholder: Donna Barnes; Mortgage Holder: Green Tree Servicing, LLC.
  - (C) 1700 E. 21<sup>st</sup> Street, Titleholders: Dan L. Howe and Robbie L. Howe; Contract Buyers: James E. Childs and Laura A. Van Gundy; Mortgage Holder: West Des Moines State Bank.
  
3. Release of demolition cost reserve held by State Farm Insurance Companies regarding property known as 3420 3<sup>rd</sup> Street held under claim number 15-E071-673 insured by Kent Lehs with a claim being made for enforcement costs.
  
4. Request for consideration of an extension of time to complete renovation of structure located at 1120 21<sup>st</sup> Street, **(continued from August 9, 2004)**.

MOTION TO ADJOURN AT \_\_\_\_\_ P.M.