

DES MOINES CITY COUNCIL MEETING

November 18, 2002

4:30 P.M.

SPECIAL PRESENTATIONS - 4:15 P.M.:

Bulgarian Visitors

PROCLAMATIONS - 4:15 P.M.:

Hunger and Homelessness Awareness Week

INVOCATION: Pastor Tony Thurston

College Avenue Christian Church

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 50:

LICENSES AND PERMITS:

Approving

4. The following Beer/Liquor Applications:

RENEWAL APPLICATIONS

- (1) Happy Joes Pizza & Ice Cream, 4743 SE 14th Street, B Beer.
- (2) B & B Super Market, 2001 SE 6th Street, C Beer.
- (3) Hy Vee Food Store #2, 2540 E Euclid Avenue, C Beer.
- (4) Smoke Shop, 1918 SE 14th Street, C Beer.
- (5) Air Lanes, 4200 Fleur Drive, C Liquor.
- (6) Bistro 43, 4345 Hickman Rd., C Liquor.
- (7) Club 2000, 422 Indianola Avenue, C Liquor.
- (8) Fiesta Cancun Mexican Restaurant, 5118 SE 14th Street, C Liquor.
- (9) Ginos Restaurant & Lounge, 2809 6th Avenue, C Liquor.
- (10) Liza's Bar & Grill, 509 E 25th Street, C Liquor.
- (11) Park Avenue Pub, 1101 Park Avenue, C Liquor.
- (12) Royal Mile, 210 4th Street, C Liquor.
- (13) Rustys, 2565 Wedgewood Rd., C Liquor.
- (14) Sleepy Hollow Sports Park, 4051 Dean Avenue, C Liquor.
- (15) Sudsuckers, 1511 E Army Post Rd., C Liquor.
- (16) Tin Alley Grill, 4345 Merle Hay Rd., C Liquor.
- (17) Hy Vee Food Store #2, 2540 E Euclid Avenue, B Wine.
- (18) Smoke Shop, 1918 SE 14th Street, B Wine.
- (19) Smoke Shop, 1918 SE 14th Street, E Liquor.
5. City Clerk to issue Coin Operated Machine Licenses.
6. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

7. Approving Grant Agreement with Iowa Department of Transportation for construction of an Airfield Maintenance Storage Building, Terminal Lobby Security Improvements, Expanded South Cargo Building, Field Maintenance Trades Building and the Sand Storage Building at the Commercial Air Service Airports - \$391,532.

[\(Council Communication No. 02-598\)](#)

8. Resolution Ordering Construction of Franklin Avenue and North Side Library Reroofing, Receiving of Bids, (12-10-02), and Setting Date of Hearing, (12-16-02). (Construction Estimate - \$175,000).

9. Authorization to proceed on Holcomb Avenue, a.k.a. Polar Bear Way, paving from 6th Avenue west to the dead end.

[\(Council Communication No. 02-585\)](#)

10. Approving Change Order No. 1 with Reilly Construction Co., Inc. for additional work in conjunction with Easter Lake Retention Basins-Phase 2 contract.

[\(Council Communication No. 02-586\)](#)

11. Approving Change Order No. 4 with Western Waterproofing Co. Inc. for concrete beam repair work at the 8th & Mulberry Parking Garage to be completed by Change Order to 4th & Grand Garage Renovation Phase 2 contract in amount of \$28,057.

[\(Council Communication No. 02-587\)](#)

12. Approving completed construction contract of E. 20th Street Trunk Sanitary Sewer Relining - Cleveland Avenue to E. Washington Avenue with Lametti & Sons, Inc. (V. G. Lametti, President, Hugo, MN) and approving payment of \$76,593.46 now and \$45, 511.24 at the end of thirty days.

13. Approving Supplemental Agreement No. 1 for Consultant Services Agreement for Operational Unit No. 1 Modification Evaluation at the DICO facility portion of the M.L. King Jr. Parkway Project.

[\(Council Communication No. 02-588\)](#)

14. IDOT Agreement for Resurfacing IA 28 (63rd Street from University to Hickman, and Merle Hay Road from Hickman to Madison) and US 6 (Hickman Road from Merle Hay to west City limits).

[\(Council Communication No. 02-584\)](#)

15. Approving private construction contract between Hansen Company, Inc. (Craig W. Hansen, President, Contractor) and Water Street Brownstones, LLC (George E. Sherman, President, Owner) for construction of paving, sanitary sewer, and storm sewer improvements on Vine Street from 1st Street to 3rd Street and also Alley replacement between 1st Street and 2nd Avenue for the Vine Street Lofts/Water Street Brownstones, \$230,000.

16. Approving private construction contract between Hart Meyer, Inc. (Neal K. Meyer, President) and Central Presbyterian Church (Douglas A. Wells, Chairman Building and Grounds) for street improvements for a drop-off lane and sidewalk at east side of 39th Street to serve Central Presbyterian Church at 3829 Grand Avenue, \$25,900.

SPECIAL ASSESSMENTS

17. Resolution Levying Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:

(A) Schedule No. 2002-10.

(B) Schedule No. 2002-31.

(C) Schedule No. 2002-57.

(D) Schedule No. 2002-79.

18. Approving Delinquent Sewer Rental and/or Solid Waste Stormwater Utility Fees for the month of October, 2002.

(A) Authorizing Engineering Department to correct delinquent Solid Waste/Stormwater utility

and/or Sewer Rental Credits Schedule for October, 2002.

19. Delete NAC - Emergency Order Assessments that Community Development Department already received payment in full for the following properties:

(A) 2928 Logan Avenue, Schedule No. 2002-08, Certificate No. 00-09072-00 - \$1,502.13.

(B) 1360 - 22nd Street, Schedule No. 2002-09, Certificate No. 00-09309-00 - \$471.42.

(C) 1502 - 22nd Street, Schedule No. 2002-09, Certificate No. 00-09292-00 - \$327.83.

LAND/PROPERTY TRANSACTIONS

20. Establishing fair market value and authorizing acquisition of 1700 & 1732 SE 35th Street, 1615 SE 35th Street, 1500 SE 37th Street, 1500 SE 38th Street, and 1710 & 1722 SE 38th Street, \$178,000 plus closing costs and relocation for the Agrimergent Technology Park Project.

21. Establishing fair market value and authorizing acquisition for various properties, 5608 SW 9th, 5602 SW 9th, and 925 Porter Avenue for the SW 9th Street widening at Porter Avenue Project by gift, negotiation, or condemnation.

22. Approving to proceed with acquisition of property located at 6620 SW 30th Street and 6490 SW 28th Court for the Airport Expansion Project.

23. Approving waiver of final review for DEER RUN ESTATES PLAT V located in unincorporated Polk County, in vicinity of NE 11th Court and South of NE 70th Avenue, and in favor of Ankeny review.

[\(Council Communication No. 02-595\)](#)

24. Approval of final subdivision plat entitled BROOK RUN VILLAGE PLAT 8 located in vicinity of East Douglas Avenue and Brook Run Drive.

[\(Council Communication No. 02-596\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

25. Communication from Traffic Safety Committee, requesting that the seat of Marian Thomas be declared vacant.

STREET CLOSURES

26. Approving recommendation of Street Use Team (SUT) to close the following streets:

(1) Kelly Foss, representing Downtown Community Alliance, requesting permission to close E. 1st Street-Court Avenue to Walnut Street from 7:00 PM to 7:15 PM; Riverside Drive from 8:00 AM to 10:00 PM; Court Avenue Bridge from 8:00 AM to 10:00 PM; 1st Street-Court Avenue to Walnut Street from 4:00 PM to 8:00 PM; Court Avenue-2nd Avenue to 1st Street from 4:00 PM to 8:00 PM on Saturday, December 7, 2002 for Fire In The Sky fireworks.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. Approving payment of \$1,018.99 to Jane McAllister of Ahlers Law Firm for resolution of various issues associated with acquisition of environmental contaminated properties for the Martin Luther King, Jr. Parkway Project.

28. Approving payment of \$542.28 to Jane McAllister of Ahlers Law Firm for legal assistance in conjunction with the development of Kiwanis Nature Island at Riverview Park.

29. Approving payment of \$3,435.92 to Ahlers Law Firm for bond counsel services related to Supplement Nos. 6 and 7 of Master Lease Program.

30. Approving payment of \$5,541.04 to Wright Chevrolet, Inc., \$714.85 to Enterprise Rent-A-Car, and \$79.50 to Regency Manor Mobile Home Court, (\$6,335.39) for payment of property damage, truck rental and towing as result of an auto accident on October 17, 2002.

31. Approving payment of \$142.50 to Neymaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Gerald Lovejoy in Maria Garces v. Gerald Roger Lovejoy, et al.

CITY MANAGER COMMUNICATIONS

32. Submitting various traffic regulations as follows:

(1) Petition to Restrict Parking--Both Sides of Morton Avenue from Idaho Street east to the Dead End.

(2) Loading Zone--West Side of 38th Street, North of Ingersoll Avenue.

[\(Council Communication No. 02-579\)](#)

APPROVING

33. Receipt of proposed Revisions to Airport Regulation No. 02-39 regarding adoption of International Fire Code, 2000, as the Des Moines International Airport's Fire Code, effective February 1, 2003.

34. Findings and recommendations of City's Environmental Review Committee, publishing Notice of Intent to Release Funds and execution of Request for Release of Funds and Certification for projects included in 2003 HUD Consolidated Plan for Community Development Block Grant, Emergency Shelter Grant, Section 108 Loan Guarantee and HOME programs.

35. Reallocation of \$135,000 of 2003 CDBG funding from Des Moines Public Schools (DMPS) New Horizons Program to Community Housing Development Corporation (CHDC), Inc.

[\(Council Communication No. 02-577\)](#)

36. Preliminary approval of a \$50,000 Des Moines Action Loan Fund Loan to Vaudeville Mews L.L.C., 214-4th Street.

[\(Council Communication No. 02-597\)](#)

37. Issuance of the Certificate of Completion for the renovation of Kenyon Building located at 301 Grand Avenue.

[\(Council Communication No. 02-606\)](#)

38. Submission of a Community Economic Betterment Account (CEBA) Application to the State of Iowa in the amount of \$250,000 for Wausau Benefits, Inc.

[\(Council Communication No. 02-607\)](#)

39. Approving Partial Release of Mortgage upon a portion of vacated 7th Street granted in error by SNAG, L.L.C. to the City to secure loan for purchase of site for the new grocery store at 8th and University.

40. Negotiation of a contract with Weyerhaeuser Company for the receipt, processing and marketing of Des Moines recyclables.

[\(Council Communication No. 02-601\)](#)

41. Bids for the following:

(A) Dewey Ford, (Mark Vukovich, President, Ankeny) for 19 patrol cars, \$393,338; Karl Chevrolet, (Carl Moyer, President, Ankeny) for 3 emergency utility vehicles, \$63,333 and 1 radio shop vehicle, \$20,567; Mid-States Ford, (Marv Perry, President, Waukee) for 5 mid-size four door sedans, \$73,682.50; Quality Ford, (Franklin Greene, President, WDM) for 1 animal control vehicle, \$22,241.25; Charles Gabus Ford, (Charles Gabus, President) for 1 cargo van, \$15,721 and 1 small pick-up truck, \$15,679.69 to be used by the Police Department at a total cost of \$604,562.44. (Eleven bids mailed, nine bids received). (Deferred from November 4th meeting).

[\(Council Communication No. 02-581\)](#)

(B) Road Machinery and Supplies, (Mike Sill II, President) for street sweepers to be used by the Public Works Department, \$236,230. (Seven bids mailed, one received).

[\(Council Communication No. 02-605\)](#)

(C) Mid-States Ford Truck Sales, (Marv Perry, President) for a slurry truck to be used by the Public Works Department, \$159,519. (Eight bids mailed, four bids received).

(D) RTL Equipment, (Rob Bonnstetter, President, Grimes) for an industrial loader to be used by the Public Works Department, \$71,282. (Eight bids mailed, seven received).

[\(Council Communication No. 02-604\)](#)

(E) O'Halloran International Inc., (Jim O'Halloran, President) for 56,000 GVW trucks to be used by the Public Works Department, \$308,868. (Seven bids mailed, five received).

42. Civil Service Entrance List for Neighborhood Inspector.

43. Quarterly Treasurer's Report as of September 30, 2002.

44. City of Des Moines Financial Report for the quarter ended September 30, 2002.

[\(Council Communication No. 02-600\)](#)

45. Amendment 2 to Banking and Custodial Services Contract with Bankers Trust, reducing services charges and extending contract until September 30, 2005.

[\(Council Communication No. 02-599\)](#)

46. Authorizing Finance Director to draw checks on check registers of November 22 and November 27, 2002; and for the bills of the Des Moines Municipal Housing Agency for the weeks of November 18 and November 25, 2002; and to draw checks for the biweekly payroll due employees of the City on November 27, 2002.

ORDINANCES - FINAL CONSIDERATION

47. On Zoning Ordinance amendment regarding fences allowed on properties designated for single- and two-family use in "PUD" and "R-6" Districts, to clearly require every plan to identify fences allowed.

ORDINANCES - SECOND CONSIDERATION

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

- (1) Traffic Control Device for Euclid Avenue Traffic Entering 47th Street.
- (2) Corner Clearance--North Side of Lincoln Avenue, West of 9th Street.

49. On vacation of a portion of SW 4th Street and any remaining street and alley within the new Science Center of Iowa site between Vine Street and SW Martin Luther King Jr. Parkway and between SW 3rd and SW 5th Streets.

(A) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

50. On request from Sandi Zavalla, to rezone property at 914 Davis Avenue, from "C-1" (Neighborhood Retail Commercial District) to "R1-60" (One-Family Low-Density Residential).

(A) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

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

ORDINANCES - FIRST CONSIDERATION

51. Amending Chapter 114 of the Municipal Code regarding traffic regulations changes as follows:

- (1) Corner Clearance--South Side of Mahaska Avenue, East of East 29th Street.
- (2) Removal of Handicapped Parking Space--South Side of College Avenue, West of 8th Street.
- (3) Allied Insurance Building (New Construction)--Parking Restriction Designation.

COMMUNICATIONS/REPORTS

52. Recommendation from City Manager, that the City Council Legislative Subcommittee review the police and fire fees requiring Iowa Code changes.
53. From Virgil Moore, 1815 Park Avenue, regarding purchase of City owned property, North and West of Hartford Avenue and S.E. 19th Street.
54. From Steven Lathrop, 814 Lyon, regarding his property and the vacation of alley to the State for I-235 denying him access to his property.
55. From Dreem Kashif, 1155 - 18th Street, to speak regarding tobacco and alcohol sales at the Top Value Super Market at 8th & University.
56. Report from City staff regarding R & R Lounge, 1018 E. 12th Street, in response to citizen communications and petitions.
57. From Chair of Neighborhood Revitalization Board regarding the House Moving Ordinance.
58. From Louise Moon, Chair of Board of Water Works Trustees, requesting a waiver of the residency requirement to complete her current term that expires on April 1, 2003.
59. From Lee Youde, 1721 East 12th Street, requesting approval to install permanent Christmas lights over East 12th Street between Jefferson Avenue and Mattern Avenue.

INFORMAL HEARINGS (Opened at _____ P.M.) (Items 60 and 61)

60. Submission of Grant Proposal to secure \$2 million in federal funds for assessment, revolving loan fund, and cleanup of Des Moines Brownfields.

[\(Council Communication No. 02-578\)](#)

61. On Final Consideration of ordinance amending Chapter 26 of the Municipal Code regarding frequency of inspections and fees for inspection of rental dwellings.

[\(Council Communication No. 02-608\)](#)

HEARINGS (Opened at _____ P.M.) (Items 62 thru 68)

62. On appeal from Robert Miles Corey, 2867 - 360th Street, Lot 29, Booneville, IA regarding recommended denial of taxicab license.
63. On First Amendment to Concession Agreement for Food and Beverage Operations at Des Moines International Airport with the following:

- (A) GladCo Enterprises to provide for an additional one-year extension option.
- (B) The Paradies Shops to provide for three (3) one-year extension options.

[\(Council Communication No. 02-609\)](#)

64. On vacation and ordering the removal of utilities from the portion of 11th Street and any remaining alley rights-of-way and reserved easements within the three block area between 10th and 13th Streets, and between Locust Street and Grand Avenue for the Public Library and Higher Education Learning Center.

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by Board of Library Trustees), requires 6 votes.

65. On conveyance of portion of Lyon Street between E. 13th Street and E. 14th Street to State of Iowa for use in reconstruction of Interstate 235 and termination of existing leases of portions of property to East Des Moines Clinic and Des Moines General Hospital.

66. On request from Conlin Equities, LLC, (Owner), represented by Jim Conlin, (Officer), to amend River Oaks Centre PUD Concept Plan for property at 2701 SW 63rd Street.

67. On items regarding the M.L. King Jr. Parkway Combined Project:

- (A) Approving Plans, Specifications, Form of Contract Documents and Engineer's Estimate of costs.
- (B) Resolution on Submission of bids and designating lowest responsible bidder as Reilly Construction Co, Inc., & Affiliates and Corell Contractor, Inc., \$11,919,368.20.
- (C) Approving contract and bond and permission to sublet.

[\(Council Communication No. 02-583\)](#)

- (D) Resolution rejecting bids on the Grading and Sewer Project.
- (E) Resolution rejecting bids on the Grand Avenue Bridge Project.
- (F) Ingersoll Avenue to Raccoon River Supplemental Agreement No. 21, for construction phase

services, not to exceed \$844,000.

[\(Council Communication No. 02-582\)](#)

68. Closing Hearing and withdrawing City-initiated request to rezone property in the vicinity of NE 43rd Court and E. Douglas Avenue, (Sunrise Estates Plat 3).

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

APPROVING

WITHDRAWN 69. Contracts with MAXIMUS Consulting Group (MAXIMUS) and Modern Solutions, Inc. (MSI) for Financial/Accounting and Payroll/Human Resources Software Upgrade and Support, \$445,905.

70. 28E Agreement between Drake University and the City that establishes the responsibilities and duties of each agency for the operation and shared maintenance of the Drake Municipal Observatory.

[\(Council Communication No. 02-603\)](#)

71. Support of applications for low income housing tax credits to Iowa Finance Authority by the following:

(A) DM/Meadows, LLLP, for new construction of 48 units of large family housing at The Meadows Apartments, Lot 2, in Meadowlands Plat 2.

[\(Council Communication No. 02-593\)](#)

(B) Bethage, a Nonprofit Developer, for new construction of 12 units of scattered site family housing at 2001 SW 9th, 6900 SW 9th and 4150 Maple.

[\(Council Communication No. 02-592\)](#)

(C) Metroplains Development LLC (St. Paul, MN) for rehabilitation of 32 units of family housing at The Crane Building, 1440 Walnut.

[\(Council Communication No. 02-591\)](#)

(D) James C. Conlin for new construction of 24 units of family housing at Deer Ridge III Apartments, 6009 SW Creston Avenue.

[\(Council Communication No. 02-590\)](#)

(E) James C. Conlin for new construction of 54 units of family housing at Parkside East III Apartments, 3560 E. Douglas Avenue.

[\(Council Communication No. 02-589\)](#)

72. Denial of support of application for low income housing tax credits to Iowa Finance Authority by DM/Hawthorn, LLLP, for new construction of 50 units of elderly housing at Hawthorn Grove Apartments, 4287 Hubbell.

[\(Council Communication No. 02-594\)](#)

73. Communication from Council Member Christine Hensley regarding I-235 construction schedule.

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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.

A G E N D A

BOARD OF HEALTH November 18, 2002

MOTION TO CONVENE

AUTHORIZING

1. Court authority to abate the public nuisances at the following locations:

(A) 2716 SE 18th Street (vacant) Titleholder: Laurie J. Donaldson; and Legal Interest Holders: TMS Mortgage, Inc. dba The Money Store, Attn: Corporation Service Co., Registered Agent, and Dennis Blume.

(B) 1811 21st Street (vacant) Titleholder: Dennis Eppard.

(C) 1209 E. 35th Court (vacant) Titleholder: First National Acceptance Company, Attn: Prentice Hall Corporation System, Registered Agent; Contract Buyers: The Wolford Corporation, Attn: Rod Wolford, Registered Agent; Grace Rand and Jason Rand, and Legal Interest Holders: Mooring Tax Asset Group, LLC, Attn: James P. Meeks, President.

2. Engineering Department to remove the following structures:

(A) 1891 E. Marion; Titleholder, Kelly Page.

(B) 1120 21st Street; Titleholder, Robert Evans.

(C) 1211 21st Street; Titleholder, Anthony Trimmell.

3. Release of demolition cost reserve escrowed under claim number 271-391878 regarding property known as 2808 62nd Street owned by Lila Noble.

MOTION TO ADJOURN at _____ P.M.

Des Moines - City of Skywalks