

DES MOINES CITY COUNCIL MEETING

January 12, 2004

4:30 P.M.

INVOCATION: Rev. Susan Bowman
First United Methodist Church

1. ROLL CALL:
 - I. Approving reappointment of the following:
 - (A) City Manager
 - (B) City Attorney
 - (C) City Clerk
 - (D) Chief Deputy City Clerk
 - (E) Deputy City Attorneys and Assistant City Attorneys
 - (F) Approving recommendation of Mayor Cownie for appointment of Mayor Pro Tem for the year 2004.

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 55:

LICENSES AND PERMITS

4. Approving the following Alcoholic Beverage License Applications:

NEW APPLICATIONS

(A)	DENNY D'S SPORTS BAR	607 SE 30TH ST	C Liquor
(B)	DES MOINES ASIAN FOOD	1623 6TH AVE	C Beer
(C)	EL CANCUN NIGHT CLUB	900 E ARMY POST ROAD	C Liquor
(D)	HESSEN HAUS	101 4TH STREET	C Liquor

RENEWAL APPLICATIONS

(E)	A DONG RESTAURANT	1511 HIGH ST	C Beer/Wine
(F)	CASEYS GENERAL STORE #2244	2150 E ARMY POST ROAD	C Beer
(G)	CASEYS GENERAL STORE #2322	4331 PARK AVE	C Beer
(H)	CONEY ISLAND #2	3700 SW 9TH ST	B Beer
(I)	DES MOINES AIR NATIONAL GUARD	3100 MCKINLEY AV	A Liquor
(J)	DIAMOND JACKS	3000 E GRAND AVE	C Liquor
(K)	EL VAQUERO	3211 INDIANOLA AVE	C Liquor
(L)	FAREWAY STORE #900	100 E EUCLID AVE	C Beer.
(M)	FAREWAY STORE #900	100 E EUCLID AVE	B Wine
(N)	GIT N GO STORE #18	6501 SE 14TH ST	C Beer
(O)	HY VEE FOOD STORE #4	4707 FLEUR DR	E Liquor
(P)	JIFFY #924	3718 SW 9TH ST	C Beer
(Q)	KUM & GO #552	4944 DOUGLAS AVE	C Beer
(R)	LOUIES CHINESE AND THAI FOOD	1022 E 12TH ST	B Beer
(S)	MR V'S	206 INDIANOLA AVE	C Liquor
(T)	PAPILON	2718 DOUGLAS AVENUE	C Beer/Wine
(U)	TROPHYS SPORTS BAR & GRILL	2701 DOUGLAS AVE	C Liquor
(V)	WAHEGURU CITGO	2701 INGERSOLL AVE	C Beer

- 4I. Approving Class C Liquor License for Rookies, 6151 Thornton Avenue, (pending completed inspections by Building and Fire Departments). Sponsor: Brooks.
5. City Clerk to issue Cigarette Licenses.
6. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Resolution Ordering Construction of the following:
 - (A) Merle Hay Road and Aurora Avenue Traffic Signal Upgrade - Receiving of Bids, (02-03-04), and Setting Date of Hearing, (02-09-04). (Construction Estimate - \$23,995).
 - (B) Highland Park Streetscape – Receiving of Bids by IDOT (01-27-04), and Setting Date of Hearing, (02-09-04). (Construction Estimate - \$1,244,741.86).

8. Approving Professional Services Agreement with EarthTech, Inc., (Alan Krusi, CEO, Long Beach, CA) for engineering services for McKinley Avenue Corridor Study, widening from Fleur Drive to E. Indianola Avenue, \$212,000.

[\(Council Communication No. 04-008\)](#)

9. Approving Addendum No. 3 to Urban Design Standards for Public Improvements, 2001 Edition, and Addendum No. 5 to Urban Standard Specifications for Public Improvements, 1998 Edition.

[\(Council Communication No. 04-007\)](#)

10. Approving permission to sublet and request for extension of time to May 31, 2004 for Van Hauen & Associates, Inc., for M.L. King Jr. Parkway Raw Water Line Relocation Project.

11. Approving completion and recommending acceptance of the following Private Construction contracts:
 - (A) The Concrete Paving Company, Ltd. and Army Post Plaza, L.L.C. for construction of Street Improvements for installation of east-bound left turn lane in Army Post Road, turning into Army Post Plaza Shopping Center at 1000 E. Army Post Road.
 - (B) The Underground Company, Ltd. and UPT, Inc. DBA Baratta's Restaurant for construction of alley improvements to pave 75' of alley behind 4 Davis Avenue, 170' south of Davis Avenue on South Union Street, west side of road.

- (C) The Weitz Company, Inc. and Norwest Bank Iowa, N.A. for construction of Street Paving Improvements on Plum Street from 6th Avenue to 7th Street to serve Norwest Bank, 115 - 7th Street.
- (D) Russell Construction, Inc. and Galesburg, LLC. for construction of Median Improvements on E. 14th Street, north of E. University, west of E. 14th Street to serve Walgreens.
- (E) The Underground Company and Hubbell Realty Company for construction of Storm Sewer Improvements for new MC intake along north curb line of Murphy Street, 95' west of west curb line of SW 7th Street.
- (F) Cornerstone Commercial Contractors, Inc. and O'Reilly Automotive, Inc. for construction of Alley Paving Improvements to 14' wide alley west of E. 14th Street (Hwy. 69) and south of O'Reilly Auto Parts, 3390 E. 14th Street, including paving 247' of alley.
- (G) Schlievert Plumbing, Inc. and Critchett Piano & Organ Companies for construction of Storm Sewer Improvements addition to east side of 56th Street between Douglas Avenue and Madison Avenue to service Critchett Piano's warehouse, 3811 - 56th Street.
- (H) Corell Contractor, Inc. and Drake University for construction of Storm Sewer Improvements for storm sewer intake on north curb line of Forest Avenue, west of 29th Street, to serve new Drake University parking lot, 2901 Forest Avenue.

12. Accepting completed construction and approving final payment for the following:

- (A) Fleur Drive Resurfacing McKinley Avenue to Army Post Road, Des Moines Asphalt & Paving Co.
- (B) 2003 PCC Pavement Resurfacing Program, Grimes Asphalt & Paving Corp.
- (C) 2003 City-wide PCC Pavement Restoration Program, P.G. Construction, Inc.
- (D) 2002 Sewer Relining Program, Visu-Sewer Clean & Seal, Inc.

SPECIAL ASSESSMENTS

13. Approving correction of NAC-Emergency Sewer Repair Assessment Schedule 2003-81 for 1250 - 10th Street.
14. Deletion of NAC-Emergency Order Special Assessments at 1293 E. 19th Street Property (ownership of property has transferred), Schedule 2003-08, Certificate 00-10659-00 for \$616.34.
15. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development and Public Works) for the following:
 - (A) Schedule 2004-01.
 - (B) Schedule 2003-90.
 - (C) Schedule 2003-83.
16. Petition and Waiver forms for curb replacement program/request to repair driveway executed by owners of two properties, and authorizing City Manager to proceed with construction.

LAND/PROPERTY TRANSACTIONS

17. Approve and accept real estate documents for property at 1429 Maine Street, for the Clark Street Pump Station Project, \$2,550 plus closing costs.
18. Approve and accept real estate documents for property for the Agrimergent Technology Park Storm Water Pump Station Project.
19. Approve and accept real estate documents for property at 810 Morton Avenue, for the Upper Union Park Sewer Separation Project-Phase II, \$100 plus closing costs.
20. Approve and accept real estate documents for property at 2509 Mann Avenue, for the Closes Creek Storm Water Improvement Project, \$150 plus closing costs.

21. Approve Corrected Quit Claim Deed for portion of vacated east/west alley right-of-way between Virginia Avenue and Pleasant View Drive due to scrivener's error.
22. Approving extension of time to February 6, 2004 for filing final subdivision plat entitled Carman Estates Plat 3, in vicinity of Hart Avenue, east of Indianola.

BOARDS/COMMISSIONS/NEIGHBORHOODS

23. Granting waivers pursuant to Section 2-1054(f) to Scott Allen and Emily Lawson, Urban Design Review Board Members, to remain on the board.

[\(Council Communication No. 04-011\)](#)

COMMUNICATIONS FROM PLANNING AND ZONING

24. Regarding preliminary subdivision plat for August Home Plat 1, vicinity of 2200 Grand Avenue.

SETTING DATE OF HEARINGS

25. On vacation of portions of Vale Street, Railroad Court, Railroad Avenue, SE 24th Court and SE 25th Street, (1-26-04).
26. On vacation of portions of SW 28th Court, SW 28th Street, SW 30th Street, and Littell Avenue, between previously vacated Army Post Road and Relocated Army Post Road, (1-26-04).
27. On sale of City property at 1730 and 1740 E. 41st Court, to Michael L. and Rebecca S. Dank, (abutting property owners), \$1,100, (1-26-04).

28. On request from United Properties Investment Company, L.C. to rezone property in the vicinity of 8900 85th Avenue and southwest of the interchange of Fleur Drive (85th Avenue in Warren County) and Iowa Highway 5 from “A-1” (Agricultural District) to “PUD” (Planned Unit Development), and for approval of the proposed “PUD” conceptual plan entitled “Echo Valley Community Concept Plan”, subject to revisions, (1-26-04).
29. On request from SE 14, L.L.C. to rezone property at 5801 SE 14th Street from “R1-80” (One Family Residential) to Limited “C-2” (General Retail and Highway Oriented Commercial) to allow development of a mini-storage complex, subject to conditions, (1-26-04).
30. On 14th Amendment to the Restated Urban Revitalization Plan for City-Wide Urban Revitalization area, to amend the map of the Model Cities South Urban Revitalization sub-area, (2-9-04).

[\(Council Communication No. 04-009\)](#)

31. On Voluntary annexation of territory in the Historic Fort Des Moines area, (3-8-04).
32. On Issuance of General Obligation Refunding Bonds, (for Essential Corporate Purpose), for the following, (1-26-04):
 - (A) \$36,000,000, Series 1995C, 1996E and 1997B.
 - (B) \$23,500,000, Series 1996D.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

33. Approving payment of \$1,508.81 to Myers & Jenkins for representation in the UAL Corporation bankruptcy.
34. Approving payment of \$7,500 to Lawrence W. Luncsford and Sharon Luncsford as a result of an auto accident on November 16, 2003.

35. Approving payment of \$7,500 to State Farm Insurance as subrogee of Mary Ann Jackson for bodily injury and property damage claim as a result of an auto accident.
36. Approving payment of \$52.69 to Duncan, Green, Brown, Langeness & Eckley for representation relating to airport parking garages.
37. Approving payment of \$40.50 to Ahlers & Cooney, P.C. for environmental concerns in conjunction with the development of the Kiwanis Nature Island at Riverview Park.
38. Approving payment of \$248.37 to Hall & Associates for Iowa Department of Natural Resources in issuance of a National Pollution Discharge Elimination System Permit for the Wastewater Reclamation Authority Treatment Plant.
39. Approving payment of \$288.55 to Ahlers & Cooney, P.C. for environmental law services in conjunction with the acquisition of environmentally contaminated properties for Martin Luther King, Jr. Parkway Project (DICO).
40. Approving payment of \$67.50 to Sullivan & Ward, P.C. Law Firm for services related to the National Pollution Discharge Elimination System Permit (NPDES) and environmental issues in lease and use agreements.

CITY MANAGER COMMUNICATIONS

41. Submitting out-of-state travel for Angela Holloway and John Hagener.
[\(Council Communication No. 04-002\)](#)
42. Submitting traffic regulation changes for “Police Only” parking in front of 611 Forest Avenue, (continued from December 22, 2003).

APPROVING

43. Release of Economic Development Grant to Water Street Brownstones, LLC.
[\(Council Communication No. 04-012\)](#)
44. Proposal from Neighborhood Development Corporation to purchase and redevelop Wherry Block Building, 1600 6th Avenue and adjacent vacant property, 1602-1620 6th Avenue in Metro Center Urban Renewal Project.
[\(Council Communication No. 04-010\)](#)

45. Closeout documents for the fiscal year 1999 Supportive Housing Program (SHP) Grants, \$1,030,302.

46. Reallocation of \$4,800 of Weed & Seed funding from the Executive Office for Weed & Seed (EOWS).

[\(Council Communication No. 04-001\)](#)

47. Grant application to the State of Iowa Department of Natural Resources Recreation Infrastructure Grant Program (RIG) to rebuild Union Park Wading Pool, \$50,000.

[\(Council Communication No. 04-014\)](#)

48. Second Amendment to 28E Agreement with Friends of Des Moines Botanical Center terminating the agreement except to retain the Friends' repayment of Botanical Center Volunteer Supervisor and Botanical Center Education Curator salaries.

[\(Council Communication No. 04-015\)](#)

49. The following items regarding the Riverpoint Segment in American Discovery Trail (ADT):

(A) Iowa Department of Transportation (IDOT) Grant Agreement for development, \$345,000.

[\(Council Communication No. 04-013\)](#)

(B) Acceptance of State Resource Enhancement and Protection (REAP) Grant from Iowa Department of Natural Resources (IDNR) for construction, \$300,000.

[\(Council Communication No. 04-016\)](#)

(C) Approving proposed alignment, and authorizing acquisition of necessary properties for the project.

[\(Council Communication No. 04-019\)](#)

50. Grant application to the State of Iowa Department of Natural Resources Recreation Infrastructure Grant Program (RIG) to provide directional signage to and on-site signage for Blank Park Zoo, \$16,650.

[\(Council Communication No. 04-017\)](#)

51. Negotiation of agreement with Des Moines Water Works Board of Trustees to allow City to continue to provide liquor beverage services at Botanical Center until Des Moines Water Works obtains a license or until April 30, 2004, whichever is sooner.

[\(Council Communication No. 04-020\)](#)

52. Temporary parking plan for Allied Insurance at City's 5th and Keo Garage during State Wrestling and Basketball Tournaments to be held February 23 through March 19, 2004.

[\(Council Communication No. 04-023\)](#)

53. Bids from the following:

- (A) American LaFrance Corporation (Ladson, SC) for two 75' aerial ladder trucks, \$1,067,989. (Eleven bids mailed, one received).

[\(Council Communication No. 04-004\)](#)

- (B) Truck Country for two 56,000 tandem axle trucks, \$186,606. (Seven bids mailed, four received).

WITHDRAWN

[\(Council Communication No. 04-005\)](#)

54. Authorizing Finance Director to issue checks on the registers of January 15, 2004 and January 22, 2004; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 12 and January 19, 2004; and to draw checks for biweekly payroll due employees of City on January 23, 2004.

ORDINANCES - FINAL CONSIDERATION

- 55. Amending Chapter 102 of the Municipal Code regarding qualifications of the Skywalk Committee.

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

ORDINANCES - FIRST CONSIDERATION

- 56. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes on Aurora Avenue between Beaver and Merle Hay, (Hoover High School area).

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

- 57. Amending Chapters 102, 122, and 74 of the Municipal Code regarding community garden leases, to allow planting on right-of-way and City property.

[\(Council Communication No. 04-018\)](#)

- 58. Amending Chapter 74 of the Municipal Code regarding various Park and Recreation facility fees and charges.

[\(Council Communication No. 04-021\)](#)

COUNCIL REQUESTS

- 59. Request from Council Members Vlassis and Coleman, to discuss traffic concerns at 38th and Franklin and on 50th between Hickman and Aurora.

COMMUNICATIONS/REPORTS

- 60. Receipt of Des Moines Water Works' adopted budget for calendar year ending December 31, 2004.

- 61. From Highland Park SSMID Board regarding recommended budget for the Highland Park Self-Supported Municipal Improvement District for Fiscal Year commencing July 1, 2004.

- 62. From Larry James, Jr., on behalf of Rachel and Jason Hemp, regarding a waiver of fees associated with a public nuisance at 1120 – 21st Street.

63. From Brian R. Kohlwes, 1828 – 44th Street, regarding a residential street light.

HEARINGS

64. On Council-initiated request to rezone property in the 1600 block of 6th Avenue from “C-1” (Neighborhood Retail Commercial) to Ltd. “NPC” (Neighborhood Pedestrian Commercial), subject to conditions.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by Neighborhood Development Corporation), requires 6 votes.
65. Close the hearing on lease of the Pioneer-Columbus Community Center, to Polk County, for use by the State of Iowa Department of Human Services Site offices.
66. On Lease Agreement with the Boys and Girls Club of Central Iowa for the use of Logan Community Center, 1740 East Garfield Avenue.

[\(Council Communication No. 04-022\)](#)

67. On assessment of \$300 penalty to Southridge Amoco, 6300 SE 14th Street, for violation of Iowa Cigarette Laws.

APPROVING

68. Diminution of positions.

[\(Council Communication No. 04-003\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

1. Court authority to abate the public nuisance at the following locations:
 - (A) 2050 E. Army Post Road (vacant), Titleholders: Kenneth K. and Francis W. Hunt.
 - (B) 2080 E. Army Post Road (vacant), Titleholders: Kenneth K. and Francis W. Hunt.
 - (C) 3724 Chicago Avenue (vacant), Titleholder: R.A. Birkinbine; Contract Buyers: Kenneth D. and Denise K. Avery, III.
 - (D) 5804 Snyder Avenue (garage), Titleholder: The Estate of Mary Alice Lane.
 - (E) 402 Virginia Avenue (vacant), Titleholder: U.S. Bank, N.A.
 - (F) 1450 E. Walnut Street (vacant), Titleholders: Charles and Edith C. Ruperto.
 - (G) 3846 9th Street (garage), Titleholder: Melody H. Owens; Mortgage Holder: Nationwide Advantage Mortgage Company f/k/a Allied Group Mortgage Company.
 - (H) 244 SE 30th Street (vacant), Titleholders: Lisa and Manuel Hernandez; Mortgage Holder: Wells Fargo.
 - (I) 666 33rd Street (garage), Titleholders: Thomas H. Wood, Sr. Trust and Marianna Ledlie; Contract Buyers: Thomas H. and Charlotte Ann Wood, Jr.; Tax Certificate Holders: Z Fin 41 and BH/US Bank.

2. The Engineering Department to remove the following structures:
 - (A) 1315 Harrison Avenue, Titleholder: Michael L. Dooley; Contract Buyers: James D. and Janet Mayer.
 - (B) 605 Leach Avenue, Titleholder: Mary Worthington.

MOTION TO ADJOURN AT _____ P.M.