

**DES MOINES CITY COUNCIL MEETING**

**February 9, 2004**

**Reception for Council Member Jerry Overman 3:00 – 4:00 P.M.**

**Closed Session - 4:00 P.M.**

**Municipal Housing Agency Governing Board – 4:15 P.M.**

**Regular Meeting - 4:30 P.M.**

**Closed Session**

**I. ROLL CALL – 4:00 P.M.:**

- (a) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C of the Iowa Code, to discuss as necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City.
- (b) Closed Session to discuss matters of pending litigation.
- (c) Terminate this closed session and reconvene in open session.
- (d) Motion to recess and reconvene at 4:30 P.M.

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**SPECIAL PRESENTATIONS**

Recognition of Council Member Jerry Overman

Recognition of Holy Trinity students chosen to attend the Junior National Young Leaders Conference in Washington DC

**PROCLAMATIONS**

GO Red for Women

**INVOCATION:** Pastor Tony Thurston  
College Avenue Christian Church

- 1. ROLL CALL – 4:30 P.M.:

  - I. Resolution of Intent to fill the vacant office of City Council Member At-Large by Special Election.
  - II. Presentation by the Youth Advisory Board regarding MetroStar 2004.
  - III. Presentation by the Greater Des Moines Convention and Visitors Bureau.

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**

4. Approving the following Alcoholic Beverage License Applications:

**NEW APPLICATIONS**

(A)	HOPPERS	2515 WEDGEWOOD RD	C Liquor
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**RENEWAL APPLICATIONS**

(B)	DAHLS FOODS	1320 E EUCLID AVENUE	E Liquor
(C)	DAHLS FOODS	1819 BEAVER AVE	E Liquor
(D)	DAHLS FOODS	4343 MERLE HAY RD	E Liquor
(E)	DAHLS FOODS	3400 E 33RD ST	E Liquor
(F)	DAHLS FOODS	3425 INGERSOLL AV	E Liquor
(G)	DAHLS FOODS	4121 FLEUR DR	E Liquor
(H)	FACES LOUNGE	416 E WALNUT ST	C Liquor
(I)	GIT N GO STORE #28	3274 E UNIVERSITY AVE	C Beer

(J)	HY VEE FOOD STORE #1	3330 M. L. KING JR. PKWY	C Beer
(K)	KELLYS TEXACO	111 63RD ST	C Beer
(L)	KUM & GO #440	821 E EUCLID AVE	C Beer
(M)	LOONEY TOONS	210 INDIANOLA AVE	C Liquor
(N)	SHANGRI LA BUFFET	4349 MERLE HAY ROAD	B Beer
(O)	TEJIS CORNER STORE	800 19TH ST	C Beer

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

## **PUBLIC IMPROVEMENTS**

7. Approving Iowa Department of Transportation Preconstruction Agreement, 35<sup>th</sup> Street, Crocker Street and Rollins Avenue related to I-235.

[\(Council Communication No. 04-066\)](#)

8. Approving the following Professional Services Agreements with Howard R. Green, (Ralph Russell, President, Cedar Rapids):

- (A) Des Moines Wastewater Reclamation Risk Management Plan Update, \$26,600.

[\(Council Communication No. 04-060\)](#)

- (B) Des Moines Wastewater Reclamation Building 05 and Stormwater Modifications Design, \$43,120.

[\(Council Communication No. 04-061\)](#)

9. Authorization to proceed with design, including development of Request for Proposals (RFP) for design and construction of the Southeast Connector, not to exceed \$125,000, included in 2004-2005 Capital Improvement Program.

[\(Council Communication No. 04-067\)](#)

10. Approving and authorizing the execution of Iowa Interstate Railroad, Ltd. Street Crossing Improvement Agreement for SE 6<sup>th</sup> Street crossing repair, \$48,593.

[\(Council Communication No. 04-063\)](#)

11. Authorization to proceed on the 2004-05 Paving Program, which is included in the 2003-2004 Capital Improvements Program.

[\(Council Communication No. 04-059\)](#)

12. Approving Change Order No. 4 with Russell Construction Company, Inc. for additional work on Ashby Park Water Playground not to exceed \$19,816.

[\(Council Communication No. 04-065\)](#)

13. Approving private construction contract between Halbrook Excavating Inc. and DM/Meadows, LLLP for Sanitary Sewer Improvements in Meadowlands Plat 2.
14. Accepting completed construction and approving final payment for 2003 HMA Pavement Milling & Resurfacing.
15. Resolution Ordering Construction of the following:

- (A) Greater Des Moines Softball Park Field Lighting – Receiving of Bids, (03-02-04), and Setting Date of Hearing, (03-08-04). (Construction Estimate - \$151,500).

[\(Council Communication No. 04-051\)](#)

- (B) SW 9<sup>th</sup> Street Bridge over Yeader Creek – Receiving of Bids by IDOT (02-17-04), and Setting Date of Hearing, (03-08-04). (Construction Estimate - \$1,391,805.50).

**SPECIAL ASSESSMENTS**

16. Deletion of the following NAC-Emergency Order Assessment Schedules:
- (A) Schedule 2004-01, Certificate 00-10816-00, 2743 Kinsey Avenue for \$430.27.
- (B) Schedule 2004-01, Certificate 00-10843-00, 1605 – 21<sup>st</sup> Street for \$360.42.
- (C) Schedule 2004-02, Certificate 00-10868-00, 1145 – 19<sup>th</sup> Street for \$377.01.
- (D) Schedule 2003-02, Certificate 00-10947-00, 1354 E. 14<sup>th</sup> Street for \$382.26.
- (E) Schedule 2004-25, Certificate 00-10960-00, 2107 – 27<sup>th</sup> Street for \$200.

- (F) Schedule 2004-50, Certificate 00-11019-00, 1509 Hutton for \$199.50.
  - (G) Schedule 2004-25, Certificate 00-10953-00, 1101 – 11<sup>th</sup> Street for \$100.
17. Approving Corrections of NAC-Emergency Assessment Schedules:
- (A) Schedule 2002-79, Certificate 00-09488-00, 1316 Birch Lane for \$384.68.
  - (B) Schedule 2002-02, Certificate 00-10891, 903 Oak Park Avenue for \$700.43.
18. Approving deletion of Paving Assessment Deficiency for District/Parcel 010/06055-002-006 for \$2,387.

#### **LAND/PROPERTY TRANSACTIONS**

- 19. Approve and accept real estate documents for property located at 2803 Hickman Road for Closes Creek Storm Water Improvement Project.
- 20. Establishing Fair Market Value and authorizing acquisition of property located in 2000 block of Scott Avenue in conjunction with the East 20<sup>th</sup> Street Trunk Connector Sewer Project.
- 21. Approving release and abandonment of a pair of sanitary sewer easements in Carman Estates Plats 2 and 3.
- 22. Authorizing acquisition of right-of-way for the McKinley Avenue Reconstruction and Obstruction Removal Project.

[\(Council Communication No. 04-064\)](#)

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

- 23. Recommendation of Mayor Frank Cownie, for reappointment of City of Des Moines' Primary and Alternate Representatives on Metro Waste Authority Board-Council Member Chris Coleman – Primary and Council Member Tom Vlassis – Alternate.

24. Receipt of City Boards and Commissions Attendance reports for 2003.

#### **SETTING DATE OF HEARINGS**

25. On Supplement No. 15 to the governmental lease-purchase master agreement with Banc of America Leasing & Capital, LLC, for acquiring five automated refuse trucks, not to exceed \$725,000, (2-23-04).

[\(Council Communication No. 04-047\)](#)

26. On vacation of the East/West alley right-of-way in the block bounded by E. Grand and Des Moines Street and by E. 4<sup>th</sup> and E. 5<sup>th</sup> Street, (2-23-04).

27. On proposed amendment to the Annual Budget for current fiscal year ending June 30, 2004, (3-8-04).

- (A) On proposed Annual Budget of fiscal year ending June 30, 2005, and approving the 04/05 - 09/10 Capital Improvement Program Plan, (3-8-04).

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

28. Approving payment of settlements not exceeding \$5,000.

29. Approving payment of \$1,521.13 to Myers & Jenkins for representation in UAL Corporation bankruptcy.

#### **CITY MANAGER COMMUNICATIONS**

30. Submitting out-of-state travel request for Tim Luloff.

[\(Council Communication No. 04-040\)](#)

#### **APPROVING**

31. Police and Fire participation in Iowa Mutual Aid Compact to provide mutual assistance in managing an emergency or disaster.

[\(Council Communication No. 04-050\)](#)

32. Renewal of E-911 Telephone System Maintenance Agreement with Qwest Communications.

[\(Council Communication No. 04-041\)](#)

33. Termination of agreement with Des Moines Municipal Athletic Federation for conducting certain sports activities, effective April 1, 2004.

[\(Council Communication No. 04-042\)](#)

34. Iowa Department of Natural Resource Enhancement and Protection (REAP) Grant Award to fund a portion of an Urban Prairie Project, \$20,310.

[\(Council Communication No. 04-057\)](#)

35. Application and contract for the Iowa Department of Cultural Affairs' Iowa Arts Council Grant to fund a portion of the 2004 Annual School and Community Garden Conference, \$1,500.

[\(Council Communication No. 04-052\)](#)

36. Negotiations with Employers Mutual Casualty Company (EMC) for demolition of parking garage at 8<sup>th</sup> and Mulberry, transfer of land to EMC, construction of privately-owned parking garage by EMC and potential construction of new City-owned parking garage.

[\(Council Communication No. 04-058\)](#)

37. Rededication of vacated 4<sup>th</sup> Street from Court Avenue to Vine Street as a public street.

38. Amended Agreement with EMC Risk Services, Inc. for occupational health care bill review and payment services.

[\(Council Communication No. 04-049\)](#)

39. Receipt of Audited Financial Statements for the Airport for the year ended June 30, 2003, (on file in City Clerk's Office).

40. Management Letter and Audit Communications Letter from McGladrey & Pullen, LLP for fiscal year ending June 30, 2003 for the City.

41. City of Des Moines Financial Report for the six months ended December 31, 2003.

[\(Council Communication No. 04-041\)](#)

42. Quarterly Treasurer's Report as of December 31, 2003.
43. Receipt of the Legislative Update of the 80<sup>th</sup> Iowa General Assembly.
44. One year extension of annual contract for liquid asphalt materials with Bituminous Materials and Supply, LP.

[\(Council Communication No. 04-069\)](#)

45. Bids from the following:
  - (A) Primary award to Noble Ford-Mercury and secondary award to Charles Gabus Ford for an annual contract with two additional one-year renewal options to provide Ford Motor repair parts. (Six bids mailed, five received).
  - (B) Truck Country for two 56,000 GVWR tandem axle trucks to be used by the Wastewater Reclamation Facility, \$186,606. (Seven bids mailed, four received).

[\(Council Communication No. 04-070\)](#)

- (C) Vogel Paint & Wax Company for an annual contract with two additional one-year renewal options to furnish traffic paint to be used by the Traffic & Transportation Division. (Nine bids mailed, three received).

[\(Council Communication No. 04-062\)](#)

- (D) Midwest Trailers Plus for an equipment trailer to be used by the Public Works Department, \$32,971. (Tens bids mailed, three bids received).

[\(Council Communication No. 04-053\)](#)

46. Authorizing Finance Director to issue checks on the registers of February 12 and February 19, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of February 9 and 16, 2004; and to draw checks for biweekly payroll due employees on February 20, 2004.

**ORDINANCES - FINAL CONSIDERATION**



- 47. Amending Chapters 102, 122 and 74 of the Municipal Code regarding community garden leases to allow planting on right-of-way and City property.
- 48. Amending Chapter 74 of the municipal code regarding various Park and Recreation facility fees and charges.

**ORDINANCES - SECOND CONSIDERATION**

- 49. On vacation of portions of Vale Street, Railroad Court, Railroad Avenue, SE 24<sup>th</sup> Court and SE 25<sup>th</sup> Street.
- 50. On vacation of portions of SW 28<sup>th</sup> Court, SW 28<sup>th</sup> Street, SW 30<sup>th</sup> Street, and Littell Avenue, between previously vacated Army Post Road and Relocated Army Post Road.

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

**ORDINANCES - FIRST CONSIDERATION**

- 51. Second consideration of ordinance amending Chapters 14 and 102 of the Municipal Code regarding Street Use events, (original ordinance); or
  - (A) ALTERNATE ORDINANCE – includes exemption to petition requirement for Farmers Markets.  
  
([Council Communication No. 04-068](#))
  - (B) Final consideration of ordinance, (waiver requested by City Clerk and Police Chief), requires 6 votes.
  - (C) Amending the Schedule of Fees.
- 52. Amending Section 114-3203 of the Municipal Code to place a “Police Only” parking restriction near 611 Forest Avenue.
- 53. Amending Chapter 86 of the Municipal Code regarding “junking certificate” fees.

([Council Communication No. 04-048](#))

- (A) Final consideration of ordinance above, (waiver requested by Police Department), requires 6 votes.
- (B) Amending the Schedule of Fees.

## COMMUNICATIONS/REPORTS

- 54. Petitions from property owners requesting paving and sidewalks on 60<sup>th</sup> Street from Muskogee to the dead end.

## HEARINGS (Opened at \_\_\_\_\_ P.M.) (Items 55 thru 61)

- 55. On issuance of General Obligation Refunding Bonds, (for Essential Corporate Purpose), for the following:

- (A) \$23,500,000, Series 1996D.

- (1) Resolution for additional actions.
- (2) Directing advertisement for sale of bonds, Series 2004B.

[\(Council Communication No. 04-045\)](#)

- (B) \$36,000,000, Series 1995C, 1996E and 1997B.

- (1) Resolution for additional actions.
- (2) Directing advertisement for sale of bonds, Series 2004A.

[\(Council Communication No. 04-046\)](#)

- 56. On 14<sup>th</sup> 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.

[\(Council Communication No. 04-054\)](#)

- (A) Recommendation from Plan & Zoning Commission finding the 14<sup>th</sup> Amendment to be in conformance with the Des Moines 2020 Community Character Plan.
57. On sale of City property at 2815 Hickman Road, to Ronni and Jerry Beard, \$40,000.
58. On appeal from Donald R. Hay, 1160 E. Aurora Avenue, regarding recommended denial of a Limousine License.
59. On Merle Hay Road and Aurora Traffic Signal Upgrade: Resolution approving plans, specifications, form of contract documents, Engineers estimate and designating lowest responsible bidder as Iowa Signal & Electric Co., (Ronald R. Johnsen, President, DM), \$19,276.43.
- (A) Approving contract and bond and permission to sublet.
60. On 8<sup>th</sup> and Mulberry Parking Garage Asbestos Removal: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as August Enterprises, L.L.C., (Roger C. Nielson, President, Jefferson), \$47,650.
- (A) Approving contract and bond.
61. On Highland Park Streetscape (IDOT Project): Resolution approving plans, specifications, form of contract documents, Engineer's Estimate, and submission of bids, \$1,154,547.69.

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

## **BOARD OF HEALTH**

MOTION TO CONVENE.

### **AUTHORIZING**

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

- (A) 2552 E. Grand (vacant), Titleholder: Elpha W. Lerche Estate.
  - (B) 1107 Johnson (vacant), Titleholder: Wylene Gardner.
  - (C) 5919 Rutland (garage), Titleholders: Thomas S. and Sharon J. Billmeyer.
2. The Engineering Department to remove the structure at 1238 E. 16<sup>th</sup> Street, Titleholders: Randy and Heather Rudolf.
  3. Release of fire escrow account for 1731 E. 21<sup>st</sup> Street, Des Moines, IA, held by Farm Bureau Financial Services.

### COMMUNICATION

4. Regarding demolition cost reserve held by the following:
  - (A) GAB Robins North America, Inc. for fire damaged structure at 1930 SE 6<sup>th</sup> Street.
  - (B) Newport Insurance Company for fire damaged structure at 2025 SE 6<sup>th</sup> Street.
  - (C) Allied Insurance for water damaged structure at 2437 SW 7<sup>th</sup> Street.

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