

DES MOINES CITY COUNCIL MEETING

March 10, 2003 4:30 P.M.

INVOCATION: Rev. William Steward, Grace United Methodist 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 72:

LICENSES AND PERMITS:

Approving

4. The following Beer/Liquor Applications:

NEW APPLICATION

(1) Kum & Go #142, 4140 Park Avenue, B Wine.

RENEWAL APPLICATIONS

(2) Hy Vee Food Store #3, 3221 SE 14th Street, C Beer.

(3) QuikTrip #544, 3941 SE 14th Street, C Beer.

(4) Waveland Golf Course, 4908 University Avenue, C Beer/Wine.

(5) Bistro Montage, 2724 Ingersoll Avenue, C Liquor.

(6) Bowlerama Lanes, 1313 E Diehl Avenue, C Liquor.

(7) Francies, 2100 Wakonda View Drive, C Liquor.

- (8) Hairy Marys, 2307 University Avenue, C Liquor.
 - (9) Hawkeye Elks Lodge #160, 1401 Walker Street, C Liquor.
 - (10) Iowa Beef Steakhouse, 1201 E Euclid Avenue, C Liquor.
 - (11) La Hacienda Restaurant, 111 Army Post Rd., C Liquor.
 - (12) Riccellis Supper Club, 3803 Indianola Avenue, C Liquor.
 - (13) Sunrise Tap, 4155 Easton Boulevard, C Liquor.
 - (14) Hy Vee Food Store #3, 3221 SE 14th Street, B Wine.
 - (15) QuikTrip #544, 3941 SE 14th Street, B Wine.
- 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) Leetown Creekway-Easton Boulevard Detention Basin, Receiving of Bids, (4-1-03), Setting Date of Hearing, (4-7-03). (Construction Estimate - \$5,323,848).
- (B) 2002/2003 Paving Program, Receiving of Bids, (3-25-03), and Setting Date of Hearing, (4-7-03). (Construction Estimate - \$545,368).
- (C) Merle Hay Road and Douglas Avenue Traffic Signals, Receiving of Bids, (3-25-03), and Setting Date of Hearing, (4-7-03). (Construction Estimate - \$144,200).
- (D) Highland Park Streetscape, joint project with Iowa Department of Transportation, and Setting Date of Hearing, (4-7-03). (Construction Estimate - \$1,054,358.72).

8. Approving the following for the Grandshire Area Sanitary Sewer:

- (A) Accepting completed construction and approving final payment - \$37,793.80 is now due and \$95,089.90 at the end of thirty days.
- (B) Accepting work and ordering preparation of plat and schedule of assessments.
- (C) Adopting and levying final schedule of assessments and providing payment.

9. Approving Supplemental Agreement No. 1 with Sinclair Architects, L.C. for additional design phase services in conjunction with Laurel Hill Cemetery Maintenance Building, \$13,750.

[\(Council Communication No. 03-122\)](#)

10. Approving the following Supplemental Agreements with Veenstra & Kimm, Inc. in conjunction with the I-235 Birds Run Outlet Storm Sewer:

(A) No. 2 to perform design phase services for the I-235 Ingersoll Run Outlet along High Street from M.L. King Jr. Parkway to 32nd Street - \$477,730.

[\(Council Communication No. 03-121\)](#)

(B) No. 3 to perform construction phase services for Phase 1 and accompanying new combined sewer - \$240,518.

[\(Council Communication No. 03-123\)](#)

11. Approving agreement and covenant providing for extension of City sanitary sewer service to property owned by Williams Pipeline at 4500-A Carlisle Road with a portion leased to WorldCom Network in Pleasant Hill.

[\(Council Communication No. 03-106\)](#)

SPECIAL ASSESSMENTS

12. Reduce Sidewalk Repair, Replace and Reconstruct Assessment Schedule No. 2002-34, Certificate No. 04-08340-00, from \$531.56 to \$225.07 against property at 3830 3rd Street.

13. Delete assessments for which payment has been received for the following properties:

(A) 1325 Watrous Avenue, Certificate No. 00-09757-00, \$340.21.

(B) 405 McKinley Avenue, Certificate No. 00-09754-00, \$95.

14. Delete assessments in which an administrative hearing was held and the charges were waived for the following properties:

(A) 2333 Capitol Avenue, Certificate No. 00-08614-00, \$366.41.

(B) 1205 E. 13th Street, Certificate No. 00-08673-00, \$366.51.

(C) 1327 14th Street, Certificate No. 00-08913-00, \$366.41.

(D) 342 E. Wall Avenue, Certificate No. 00-08789-00, \$1030.43.

15. Levying assessments for costs of nuisance abatement - NAC Emergency Orders (Community Development) for the following:

(A) Schedule No. 2003-02.

(B) Schedule No. 2003-26.

(C) Schedule No. 2003-51.

16. Engineering Department to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for February 2003.

17. Approving delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of February 2003.

LAND/PROPERTY TRANSACTIONS

18. Approving final subdivision plat entitled LAKEWOOD COVE PLAT 1 located in vicinity of Evergreen Avenue and Lakewood Lane.

[\(Council Communication No. 03-110\)](#)

19. Approving subdivision plat entitled EASTER BAY COLONY PLAT 3 in vicinity of Marion Avenue and SE 23rd Court.

[\(Council Communication No. 03-108\)](#)

20. Approving sixth and final set of Tax Abatement Applications for 2002 on value added by improvements to nine (9) properties.

[\(Council Communication No. 03-109\)](#)

21. Conditional approval for tax abatement at 6700 Chaffee Road, #60 for improvements after June 3, 2002 when property was added to City-wide Urban Revitalization Area.

[\(Council Communication No. 03-118\)](#)

22. Denial of Tax Abatement Applications for the following:

(A) Property at 1511 High Street.

[\(Council Communication No. 03-117\)](#)

(B) Property at 6700 Chaffee Road, #59.

[\(Council Communication No. 03-115\)](#)

(C) Property at 6550 Bloomfield Road.

[\(Council Communication No. 03-112\)](#)

23. Establishing fair market value and authorizing acquisition of property at 2815 Hickman Road for Closes Creek Storm Water Improvement Project, \$46,000.

24. Approve and accept real estate documents for property at 2822 East 35th Street for the Gay Lea Wilson Recreational Trail Project, \$2 plus adjacent City lot.

25. Approve and accept real estate documents for properties at 2319 & 2323 Bennett Avenue, 2814 Holcomb Avenue, and 2600 Sheridan Avenue for the Closes Creek Storm Water Improvement Project, \$600 plus closing costs.

26. Approve and accept real estate documents for property owned by Polk County for the Closes Creek Storm Water Improvement Project, closing costs only.

27. Approve and accept real estate documents for property at 5401 SW 9th Street for the SW 9th Street widening at Porter Avenue Project, \$430 plus closing costs.

28. Approve and accept real estate documents for property at 315 and 419 Pleasant View Drive for the Intermediate Paving Program - 2002, \$4,500 plus closing costs.

29. Approve and accept real estate documents for 2901 Grand Avenue for public pedestrianway, \$1.00.

30. Acceptance of transfer of public road jurisdiction from the State of Iowa Department of Transportation - 63rd Street from Army Post Road, north to McKinley Avenue.

BOARDS/COMMISSIONS/NEIGHBORHOODS

31. Communication from James H. Windsor III advising of his resignation from the Access Advisory Board (Seat 6) effective February 26, 2003.

32. Communication from Stewart Card advising of his resignation from the Park and Recreation Board (Seat 7) effective February 19, 2003.

33. Communication from Chair of Neighborhood Revitalization Board regarding the Board's recommendation of three candidates for appointment to vacancies on the board.

STREET CLOSURES

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

(1) Pam Kulik, representing Downtown Community Alliance, requesting permission to close Court Avenue from 3rd Street to 4th Street on Friday, April 25, 2003 from 6:30 PM to 12:00 AM for the Drake Relays Celebration.

(2) Hans Hanson, representing Drake University, requesting permission to close Clark Street, 27th to 28th; 28th Street from Forest Avenue to Clark Street on April 23, 2003 at 12:01 AM to April 27, 2003 at 11:59 PM and one lane of 27th Street from Clark Street to Forest Avenue from April 25, 2003 at 12:01 AM to April 27, 2003 at 11:59 PM for the Annual Drake Relays Track Meet.

(3) Robin Leaper, representing Des Moines Park and Recreation, requesting permission to close East 1st Street from Grand Avenue to Locust Street on Saturday, April 12, 2003 from 8:00 AM to 2:00 PM for the Mayors Annual Bike Ride.

CITY PLAN COMMISSION RECOMMENDATIONS

35. Regarding acceptance of the Architectural Advisory Committee's recommendation for Lee Town Creek Easton Boulevard Detention Basin Project, Airport Cargo Facility and Laurel Hill Cemetery Maintenance Facility.

SETTING DATE OF HEARINGS

36. On vacation and conveyance of a portion of the North/South alley adjoining 2300 Hickman Rd. to Rosa Soriano, \$400, (3-24-03).

37. On vacation and conveyance of City owned property at southwest corner of Grand Avenue and 56th Street to Michael B. and Dawne S. Garvey, \$8,500, (3-24-03).

38. On request of City Council to rezone property at 9601 US Highway 65/69 from "A-1" Agricultural District to Ltd. "C-2" General Retail and Highway-Oriented Commercial District for Parcels "A" and "B", Ltd. "R-5" Mobile Home Residential District for Parcel "C", Ltd. "A-1" Agricultural District for Parcel "D" and "U-1" Floodplain District for Parcel "E", (3-24-03).

39. On request of City Council to rezone property at 9201 US Highway 65/69 from "A-1" Agricultural District to Ltd. "C-2" General Retail and Highway-Oriented Commercial District, (3-24-03).

40. On request of City Council to rezone property at 2301 E. County Line Rd. from "A-1" Agricultural District to Ltd. "C-2" General Retail and Highway-Oriented Commercial District, (3-24-03).

41. On proposed voluntary annexation of property owned by Calvary Church and LeMar Koethe in unincorporated Warren County, north of Beardsley Street between 80th Avenue and 85th Avenue, (3-24-03).

42. On request from Sylvester Fulcher, 3006 E. Kenyon Avenue, for amendment to the Easter Lake Estates PUD Concept Plan to allow for a 6 foot high solid wood fence along the north lot line of Lots 51-54 of Easter Lake Estates Plat 4 and Lot 32 of Easter Lake Estates Plat 3, (3-24-03).

43. On issuance of not to exceed \$7,000,000 Subordinate Airport Commercial Paper Revenue Notes, Series C, (4-7-03).

[\(Council Communication No. 03-124\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

44. Approving payment of \$1,593.88 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for services in conjunction with acquisition and litigation regarding environmentally contaminated properties for the Martin Luther King, Jr. Parkway Project (DICO).

45. Approving payment of \$73.50 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for assistance in resolution of certain environmental matters in conjunction with development of the Kiwanis Nature Island at Riverview Park.

46. Approving payment of \$208.84 to Kim and Terri Gabriel for property damage as a result of a sewer backup on June 7, 2002.

47. Approving payment of \$3,046.92 to Myers & Jenkins, and \$4,589.80 to Tishler & Wald, Ltd. for outside counsel representing City in the Trans World Airlines, Inc. bankruptcy and in the UAL Corporation bankruptcy.

48. Approving payment of \$3,311.24 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for representing City with respect to general matters for the period January 2, 2002 through December 23, 2002.

CITY MANAGER COMMUNICATIONS

49. Submitting out-of-state travel requests for Mike McPherson, Michael Armstrong, Kelly Willis and David Blaylock.

[\(Council Communication No. 03-095\)](#)

APPROVING

50. Directing advertisement for sale of \$21,340,000 General Obligation Refunding Bonds, Series 2003A. (bonds will be sold on March 24, 2003).

[\(Council Communication No. 03-113\)](#)

51. Finding of Exemption and Finding of Categorical Exclusion forms relative to State Emergency Shelter Grant (ESG) Contract No. 02-ES-006.

52. Weatherization Contract (MEC-03-07J) with the Iowa Department of Human Rights/Division of Community Action agencies, for weatherization assistance for low-income residents from January 1, 2003 to December 31, 2003, \$163,360.

53. Acceptance of Skywalk Bridges 9D-10D over 10th Street and 10C-10D over Walnut Street from Nationwide Mutual Insurance Company and acceptance of Air Rights for Skywalk 10C-10D.

[\(Council Communication No. 03-120\)](#)

54. Designation of Replacement Surface Lot to the Parking System (located north of Cherry Street and east of 8th Street).

55. Provider Reimbursement Agreements with Wellmark BlueCross Blue Shield of Iowa Wellmark Health Plan of Iowa, Inc. to authorize payment directly to the City for emergency medical care and transportation services provided by the Fire Department.

[\(Council Communication No. 03-105\)](#)

56. Professional Claim Registration with EDI Support Services to allow filing of Medicare claims in conjunction with Des Moines Fire Department Ambulance Service.

[\(Council Communication No. 03-116\)](#)

57. Contract with Rock In Prevention for an Edward Byrne Memorial State and Local Law Enforcement Grant, for drug prevention activities, \$200,000.

[\(Council Communication No. 03-098\)](#)

58. Budget for Downtown Self-Supported Municipal Improvement District for July 1, 2003 to June 30, 2004.

59. Agreement with M & M Environmental Corporation, (Steve Moehlmann, President, Ames) to conduct wastewater operator training services - \$18,438.26.

[\(Council Communication No. 03-119\)](#)

59I. Rehabilitation of Neighborhood Resource Center Project, 1620 Pleasant, with Neighborhood Investment Corporation (NIC) - \$25,000.

60. Municipal Employees Association labor contract settlement commencing July 1, 2003 through June 30, 2005.

[\(Council Communication No. 03-099\)](#)

61. Certificate of Completion for 300 E. Locust Street.

[\(Council Communication No. 03-096\)](#)

62. Certificates of Completion and approval to release "good faith" deposit on completed projects by RM Madden Construction.

[\(Council Communication No. 03-107\)](#)

63. Request for Proposals (RFP) for merchant credit card processing services.

[\(Council Communication No. 03-102\)](#)

64. Designation of multiple depositories for City funds and the maximum allowable amount.

65. Legislative Update for the 80th Iowa General Assembly.

66. Civil Service Entrance Lists for Airport Operations Officer, Recreation Program Assistant, Police Officer, Web Manager, and Promotional Lists for Senior License Clerk, and WRF Dewatering Team Leader.

67. Bids for the following:

(A) ASAP Software Express per State of Iowa Contract No. CT2545 for Microsoft software products to be used by the Wastewater Reclamation Facility, \$32,396.04.

(B) DPC Industries, (Rick Karm, President, Omaha, NE) for an annual contract with two renewal options to furnish liquid chlorine to the Wastewater Reclamation Facility.

68. Authorizing the Finance Director to draw checks on the registers of March 14 and March 21, 2003; and for the bills of the Des Moines Municipal Housing Agency for the weeks of March 10 and March 17, 2003; and for biweekly payroll due on March 21, 2003.

ORDINANCES - FINAL CONSIDERATION

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

- (1) Corner Clearance--East Side of 32nd Street, North of University Avenue.
- (2) Two-Sided Parking Restriction--Both Sides of Washington Avenue between 9th Street and 10th Street.
- (3) One-Sided Parking Restriction--East Side of 26th Street between Kingman Boulevard and University Avenue.
- (4) Temporary Traffic Control Devices-Crocker Street at 6th Avenue and 7th Street.

70. Amending Chapter 46 of the Municipal Code regarding fire protection systems and equipment, connection to fire department communication center for fire alarm monitoring and removal of underground storage tanks.

71. On rezoning of property generally between SW 3rd and SW 5th, north of SW Martin Luther King Jr. Parkway, and south of Market Street, (Science Center) from "C3-R" (Central Business District Mixed-Residential) to "PUD" (Planned Unit Development).

ORDINANCES - SECOND CONSIDERATION

72. On rezoning of property at 6222 SW 12th Street from "R1-60" (One Family Low Density Residential District) to Ltd. "R-2" (One and Two Family Residential).

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

ORDINANCES - FIRST CONSIDERATION

73. **WITHDRAWN** Amending Chapter 26 of the Municipal Code regarding Neighborhood Inspection Rental Code and Residential Public Nuisance Code.

COMMUNICATIONS/REPORTS

74. Request from Habitat for Humanity to speak regarding an extension of time for a building

permit, for 1400 - 2nd Place through June, 2004.

75. From Gerald LaBlanc, 8912 - 46th Avenue, N.E., Altoona requesting to speak regarding the south lawn of the Armory Building, and the monument foundation erosion problem in Woodland Cemetery.

76. From Kristy Floyd & Faisal Alsafar, 1810 - 21st Street, regarding zoning of a duplex.

INFORMAL HEARINGS (Opened at _____ P.M.) (Item 77)

77. On grant proposals to secure Federal Funds for \$1,000,000 in Revolving Loan Funds and \$200,000 in Cleanup Funds for Des Moines Brownfields.

[\(Council Communication No. 03-101\)](#)

HEARINGS (Opened at _____ P.M.) (Items 78 thru 85)

78. On request from Stanbrough/Walters Land Development to rezone property at 5646 SE 36th Street from "R1-90" (Large Lot One-Family Residential) to Ltd." R1-70" (One-Family Low Density Residential), subject to conditions.

(A) First consideration of ordinance above.

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

79. On request from the City Manager to rezone property in the vicinity of 1553 E. Walnut Street from "R1-60" (One-Family Low Density Residential) to "R2-A" (General Residential).

(A) City Plan and Zoning Commission recommendation.

(B) First consideration of ordinance above.

(C) Approving East Walnut Street Development Project and issuance of Request for Proposals for a developer to construct ten infill homes.

[\(Council Communication No. 03-104\)](#)

80. On vacation and conveyance of the remaining alley rights-of-way in the block between 2nd Avenue and 3rd Street, north of Vine Street, to Neighborhood Improvement Corporation, \$82,739 and other consideration.

(A) First consideration of ordinance above.

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

81. On issuance of Stormwater Management Utility Revenue Bonds not to exceed \$10,000,000 -- to be used for construction of storm water detention basin, south of Easton Boulevard at East 26th Street, related beautification and landscaping amenities, associated access-related improvements to East 26th Street and improvements within the Closes Creek watershed system.

(A) Resolution for additional actions.

(B) Directing advertisement for sale of bonds, Series 2003B. (will be sold on March 24, 2003)

[\(Council Communication No. 03-114\)](#)

82. On assessment of \$300 penalties to twenty-three (23) cigarette permittees for selling to minors, first offense.

83. On the following violations to Iowa Cigarette laws:

(A) 30-day suspension of cigarette permits for four (4) cigarette permittees for selling to minors, second offense and **to continue to May 5, 2003.**

(B) 60-day suspension of cigarette permits for two (2) cigarette permittees for selling to minors, 3rd offense and **to continue to May 5, 2003.**

84. On Branch Library Parking Lot Repair: Resolution approving plans, specifications, form of contract documents, Engineers Estimate and designating lowest responsible bidder as Munro Construction Co., (Patrick Munro, President, Urbandale), \$35,819.60.

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

85. On Drake Municipal Observatory ADA Entry: Resolution approving plans, specifications, form of contract documents, Engineers Estimate and designating lowest responsible bidder as Munro Construction Co., (Patrick Munro, President, Urbandale), \$55,550.

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

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

86. NUMBER NOT USED

APPROVING

87. Issuance of Request for Proposal by Metro Waste Authority soliciting proposals for yard waste collection services within the City.

[\(Council Communication No. 03-100\)](#)

88. Intergovernmental 28E Shared Use Agreement with Des Moines Independent Community School District for 2002/2003, for grounds and facilities.

[\(Council Communication No. 03-103\)](#)

89. Approval of Weed & Seed Steering Committee organization, membership and procedural rules.

[\(Council Communication No. 03-097\)](#)

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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
March 10, 2003**

MOTION TO CONVENE

COMMUNICATION

1. Regarding demolition cost reserve escrowed for 1910 Hickman Road.

AUTHORIZING

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

(A) 1328 4th Street (vacant) TITLEHOLDERS: Kathleen R. McLean, Terri L. Ping, and Charles S. Richie.

(B) 1641 E. 14th Street (vacant) TITLEHOLDERS: Ameriquest Mortgage Company, Attn: National Registered Agents, Inc., Registered Agent.

(C) 1332 E. 22nd Street (vacant) TITLEHOLDERS: Edward T. and Cindy L. Jacobe.

(D) 2241 E. 34th Street (vacant) TITLEHOLDERS: Jon N. and Katherine A. Farrington, and CONTRACT BUYERS: Robert and Jody Siers.

3. The Engineering Department to remove the following structure at 724 SE 10th Street:
TITLEHOLDER: Alvin Simon.

MOTION TO ADJOURN at _____ P.M.