

DES MOINES CITY COUNCIL MEETING

March 24, 2003 4:30 P.M.

INVOCATION: Pastor Tony Thurston, College Avenue Christian Church

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 51:

LICENSES AND PERMITS:

Approving

4. The following Beer/Liquor Applications:

NEW APPLICATIONS

- (1) Dicks Liquor, 4812 SW 9th Street, C Beer.
- (2) Hy Vee Wine & Spirits, 2310 Hubbell Avenue, C Beer.
- (3) Top Value Foods, 801 University Avenue, C Beer.
- (4) House of Sports, 4804 SW 9th Street, C Liquor.
- (5) Sec Taylor Stadium, 350 SW 1st Street, C Liquor.
- (6) Dicks Liquor, 4812 SW 9th Street, B Wine.
- (7) Hy Vee Wine & Spirits, 2310 Hubbell Avenue, B Wine.
- (8) Top Value Foods, 801 University Avenue, B Wine.

- (9) Dicks Liquor, 4812 SW 9th Street, E Liquor.
- (10) Hy Vee Wine & Spirits, 2310 Hubbell Avenue, E Liquor.
- (11) Top Value Foods, 801 University Avenue, E Liquor.

RENEWAL APPLICATIONS

- (12) Grandview Golf Course, 2401 E 29th Street, B Beer.
- (13) Shie Concession, 3000 E Grand Avenue, B Beer.
- (14) Vientiane Restaurant, 901 E Euclid Avenue, B Beer.
- (15) Dahls Foods, 3425 Ingersoll Avenue, C Beer.
- (16) Git-N-Go #1, 3735 Hubbell Avenue, C Beer.
- (17) Git-N-Go #5, 2700 Indianola Avenue, C Beer.
- (18) H & A Mini Mart, 5901 Fleur Drive, C Beer.
- (19) Kellys Texaco, 111 63rd Street, C Beer.
- (20) Liquor Island, 901 E Euclid Avenue, C Beer.
- (21) Nat Food Mart #1, 3804 Hubbell Avenue, C Beer.
- (22) QuikTrip #559, 4024 Fleur Drive, C Beer.
- (23) Southridge Amoco, 6300 SE 14th Street, C Beer.
- (24) Nut Pob Restaurant, 3322 Indianola Avenue, C Beer/Wine.
- (25) Silvestrinis Pizza, 5418 Douglas Avenue, C Beer/Wine.
- (26) Chicago Speakeasy, 1520 Euclid Avenue, C Liquor.
- (27) Denny Ds Sports Bar, 607 SE 30th Street, C Liquor.
- (28) Highland Park Country Club, 518 Euclid Avenue, C Liquor.
- (29) Iowa Cub Club of Des Moines, 350 SW 1st Street, C Liquor.
- (30) LCs Corner, 344 E Jackson Avenue, C Liquor.

- (31) Wellmans Pub, 2920 Ingersoll Avenue, C Liquor.
- (32) Wheelys Bar & Grill, 4369 Merle Hay Rd., C Liquor.
- (33) Dahls Foods, 3425 Ingersoll Avenue, B Wine.
- (34) Git-N-Go #5, 2700 Indianola Avenue, B Wine.
- (35) Liquor Island, 901 E Euclid Avenue, B Wine.
- (36) QuikTrip #559, 4024 Fleur Drive, B Wine.
- (37) Liquor Island, 901 E Euclid Avenue, E Liquor.

TRANSFER TO NEW LOCATION

(38) Silvestrinis Pizza, 5418 Douglas Avenue, C Beer/Wine. Permanent transfer of Class C Beer/Wine License from 3015 Merle Hay Rd. #1 to 5418 Douglas Avenue effective April 1, 2003.

OUTDOOR SERVICE APPLICATIONS

- (39) Centro Restaurant, 1011 Locust Street, C Liquor. Adding permanent outdoor service to Class C Liquor License.
- (40) Court Avenue Brewing Company, 309 Court Avenue, C Liquor. Temporary outdoor service area in conjunction with Drake Relays Celebration on April 26, 2003. Subject to Building inspection.

- 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) WRF Computer Room A/C Replacement; Receiving of bids, (4-8-03); Setting date of hearing, (4-21-03); Construction estimate, \$25,000.
 - (B) Grand Avenue Storm Sewer - M.L. King Jr. Parkway to 28th Street; Receiving of bids, (4-8-03); Setting date of hearing, (4-21-03); Construction estimate, \$311,200.

8. Approving professional services agreement with Veenstra & Kimm, Inc. (H. R. Veenstra Jr., President, WDM, IA) for design services, right-of-way acquisition and construction phase services on the East 20th Street Connector Trunk Sewer project, not to exceed \$480,700.

[\(Council Communication No. 03-142\)](#)

9. Approving professional services agreement with Stanley Consultants, Inc. (Gregs Thomopoulos, President, Muscatine, IA) for design services, right-of-way acquisition and construction stage services on the Des Moines River Outfall & Overflow project, not to exceed \$1,595,689.

[\(Council Communication No. 03-141\)](#)

10. Approving private construction contract between The Underground Company, Ltd. (Duane Burkhardt, Pres., DSM), Contractor and Clarke Company Limited (Mary E. Bickford, Chief Operating Officer, DSM), Owner, for construction of sanitary and storm sewer improvements to serve the proposed Woods on the River, Plat 6, near Grand River Drive and King Avenue, \$177,000.

11. Rescind previous private construction contract approval and approve new private construction contract between Eco-Tech Construction, LLC (Jim Mackey, Manager, Grimes) and Oaks Development Company (John C. Kline, President), on the following items for Easter Lake South Plat 2:

(A) Storm sewer improvements.

(B) Sanitary sewer improvements.

12. Communication from Reilly Construction Company, Inc. & Affiliates and Corell Contractor, Inc., (joint venture) requesting permission to sublet on the M.L. King, Jr. Parkway-Combined Grand Avenue Bridge and Raccoon River to Ingersoll project.

13. Approving contract and bond for 15th Street and Woodland Avenue emergency repair of a city manhole connecting sewers including traffic control, pavement removal and replacement, backfilling, and clean-up to Van Hauen & Associates, Inc., (Mark Van Hauen, President, Clive), \$31,000.

14. Accepting completed construction of Fleet Maintenance Door Renovation and approving payment of \$667.50 at the end of thirty days.

15. Accepting completed construction of the 401 SE 6th Street (Irwin Chemical Building) Demolition and approving payment of \$4,981.71 now and \$2,621.95 at the end of thirty days.

SPECIAL ASSESSMENTS

16. Delete assessments for the following:

(A) Schedule No. 2002-35, Certificate No. 04-08493-00, 1402 47th Street, in the amount of \$291.67, payment received.

(B) Schedule No. 2002-34, Certificate No. 04-08379-00, 2336 N. Union Street, in the amount of \$196, payment received.

(C) Schedule No. 2003-01, Certificate No. 00-09521-00, 1122 27th Street, in the amount of \$360.66, an administrative hearing was held and the charges were waived.

LAND/PROPERTY TRANSACTIONS

17. Establishing fair market value and authorizing acquisition of property located at 1411 SE 37th Street for the Agrimergent Technology Park Project by gift, negotiation or condemnation, \$74,500.

18. Establishing fair market value and authorizing acquisition of property located at 1716 Locust Street for the Martin Luther King, Jr. Parkway Project by gift, negotiation or condemnation, \$33,000 plus closing costs.

19. Approve and accept real estate documents for property at 318 Pleasant View Drive for the Intermediate Paving Program - 2002, \$2,000 plus closing costs.

20. Approve and accept real estate documents for property located at 815 Grandview Avenue for the Upper Union Park Sewer Separation Project - Phase II, \$75 plus closing costs.

21. Approve and accept real estate documents for property located at 2706 East 35th Street for the Gay Lea Wilson Recreational Trail Project, \$2 plus adjacent City lot.

22. Approve and accept real estate documents for property located at Carlisle Road, west of SE 34th Street, \$1.

23. Approve and accept real estate documents for property located at 5708 SW 9th Street for the SW 9th Street Widening at Porter Avenue Project, \$3,800 plus closing costs.

24. Authorization and approval for the WRA Biosolids Storage Facility Project as follows:

(A) Acquire all necessary property interests.

(B) Professional Services Agreement.

[\(Council Communication No. 03-143\)](#)

(C) Establishing fair market value and authorizing acquisition of property located at 2507 Vale Street by gift, negotiation or condemnation, \$660,000 plus closing costs.

BOARDS/COMMISSIONS/NEIGHBORHOODS

25. Communication from John Mauro advising of his resignation from the Park and Recreation Board effective immediately, (Seat #13).

(A) Recommendation of Council Member Archie Brooks to appoint John D. Rector to Seat 13 on the Park and Recreation Board to fill unexpired term of John Mauro commencing June 30, 1999 to expire June 30, 2003.

26. Recommendation of Council Member Archie Brooks to appoint James H. Windsor III to Seat 7 on the Traffic Safety Committee for a three-year term commencing December 31, 2002 to expire December 31, 2005.

27. Approving Proposed Procedural & Administrative Rules for the Urban Design Review Board.

CITY PLAN COMMISSION RECOMMENDATIONS

28. Regarding request from Chester and Betty VanBuskirk for vacation and conveyance of the northern most east/west alley, bounded by Olinda and Davis Avenues and South Union and SW 1st Streets, subject to easements.

SETTING DATE OF HEARINGS

29. On request from Ed Anderson, to rezone property at 3723 Indianola Avenue from "R1-60" (One Family Low Density Residential) to "R-3" (Multiple-Family Residential), subject to conditions, (4-7-03).

30. On sale of City owned property at 56th Street and I-235 to the Iowa Department of Transportation for the I-235 expansion, \$2,600, (4-7-03).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

31. Approving payment of \$5,100 to Francis Richardson for a property damage claim as the result of an auto accident on March 17, 2003 and payment for car rental expense directly to Enterprise Rent-A-Car not to exceed \$400.

32. Approving payment of \$3,470.03 to Ahlers, Cooney Dorweiler, Haynie, Smith & Allbee, P.C. for bond counsel services.

33. Approving settlements made by the City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

34. Submitting traffic regulation changes for the following:

- (1) One-Sided Parking Restriction--Easter Lake Cove Plat 1.
- (2) One-Sided Parking Restriction--Hillsboro Plat I.
- (3) One-Sided Parking Restriction--Stanton Acres Plat II.
- (4) One-Sided Parking Restriction--Woods On The River Plat V.
- (5) One-Sided Parking Restriction--Meadowlands Plat I.
- (6) One-Sided Parking Restriction--Airport Business Park Plat I and II.
- (7) One-Sided Parking Restriction--Airport Commerce Park Plat I.
- (8) Corner Clearance--South Side of Clarkson Avenue, West of Martin Luther King Jr. Parkway.
- (9) Corner Clearance--West Side of 36th Street, South of Douglas Avenue.
- (10) Corner Clearance--North Side of Evans Street, East of SW 13th Street.
- (11) Corner Clearance--South Side of Indiana Avenue, West of 6th Avenue.
- (12) Corner Clearance--West Side of 40th Street, North of Franklin Avenue.
- (13) Allow Parking--South Side of Garfield Avenue Adjacent to Martin Luther King Jr. Park
- (14) Allow Two-Hour Parking--North Side of High Street, West of 15th Street.

[\(Council Communication No. 03-126\)](#)

35. Submitting various traffic regulation changes for Ingersoll Avenue to implement left-turn lanes at 28th, 31st, 35th, and 42nd Streets and an inbound bus lane between 42nd Street and Martin Luther King Jr. Parkway.

[\(Council Communication No. 03-127\)](#)

36. Submitting out-of-state travel requests for Christine Hensley, Eric Anderson, Brad Fousek,

Barry Mabon and Kevin Drees.

[\(Council Communication No. 03-133\)](#)

APPROVING

37. All-American City (AAC) Award Application and fee.

38. Communication from Downtown Community Alliance requesting permission to display banners as follows:

(A) On behalf of the Drake Relays to display 40 banners on Locust Street and Grand Avenue for promotion of the Drake Relays during the month of April.

(B) Display 61 banners in downtown Des Moines on Locust and Walnut Streets promoting the Downtown Farmers Market from April through October 2003.

39. Grant Agreements with Department of Housing and Urban Development (HUD) for funding to be used for implementation of 2003 HUD Consolidated Plan.

[\(Council Communication No. 03-130\)](#)

40. Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) carryover funding and program income for the 2003 HUD Consolidated Plan.

[\(Council Communication No. 03-129\)](#)

41. Closeout documents for Des Moines Enterprise Community School-to-Work Program.

42. Fiscal Year 2003-04 annual management fee and accept supplemental documentation for the FY 2003-04 Right-of-Way Management Program budget.

[\(Council Communication No. 03-128\)](#)

43. Submission of Interim Report to Iowa Department of Cultural Affairs enabling receipt of future grant funds to further support educational and horticultural programs at the Des Moines Botanical Center.

[\(Council Communication No. 03-135\)](#)

44. Des Moines Municipal Housing Agency Certificate of Consistency with the City's 2000-2004 Consolidated Plan.

45. Authorization to publish notice of public hearing for Clark Street Sanitary Pumping Station

Replacement and Upper Union Park Sewer Separation Phases 2 and 3 and authorizing City Manager to prepare and publish all future State of Iowa State Revolving Loan (SRF) and State and Federal grant applications.

[\(Council Communication No. 03-140\)](#)

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

47. Civil Service Entrance List for Printing Services Supervisor.

48. Bids for the following:

(A) VSGI, (Rob Hughes, President, Los Gatos, CA) for a video conferencing system to be used by the Fire Department, \$118,800. (Ten bids mailed, six received).

[\(Council Communication No. 03-137\)](#)

(B) Carpenter Uniform and Promotional Products, (Robert Carpenter, President, DSM) for an annual contract with two additional one-year renewal options to furnish police officer uniform apparel, \$138,000. (Nine bids mailed, two bids received).

49. Authorizing the Finance Director to draw checks on the registers of March 28 and April 4, 2003; for the bills of the Des Moines Municipal Housing Agency for the weeks of March 24 and March 31, 2003; for bi-weekly payroll due on April 4, 2003.

ORDINANCES - SECOND CONSIDERATION

50. 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), (requires 6 votes for passage).

51. On rezoning of property in the vicinity of 1553 E. Walnut Street from "R1-60" (One-Family Low Density Residential) to "R2-A" (General Residential).

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

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 03-139\)](#)

52-I. Alternative to portion of Neighborhood Inspection Rental Code and Residential Public Nuisance Code which deals with re-inspection fees, (at request of Council).

[\(Council Communication No. 03-147\)](#)

53. Amending Chapter 74 of the Municipal Code regarding fees for Botanical Center, Park Shelters, Aquatic Centers and the Zoo, (effective April 7, 2003).

[\(Council Communication No. 03-138\)](#)

[Flat Fee Recommendations](#)

(A) Final consideration of ordinance above, (waiver requested by Park and Recreation Department), requires 6 votes.

COUNCIL REQUESTS

54. Request from Council Member Brooks to give an update on the Fleur Drive Landscape Project.

COMMUNICATIONS/REPORTS

55. From Charles Hintz, 4608 Crestmoor Drive, regarding Union Pacific Railroad remote control locomotives.

56. Petition from area residents requesting paving of E. Elm Street from SE 27th Street to SE 28th Street.

HEARINGS (Opened at _____ P.M.) (Items 57 thru 65)

57. On assessment of \$300 penalty to East Grand Service, 210 E. Grand Avenue, for violation of Iowa cigarette laws. (Continued from March 10, 2003).

58. On 2002 HUD Consolidated Annual Performance and Evaluation Report (CAPER).

59. On items regarding annexation and rezoning of territory along both sides of Highway 65/69 south of E. County Line Road and north of the North River. (territory would otherwise be automatically zoned to the "A-1" Agricultural District upon annexation into the City.)

A. Resolution closing hearing on proposed rezoning of property at 2301 E. County Line Road, owned by MidAmerican Energy Company, to Ltd. "C-2" (General Retail and Highway Oriented Commercial District).

(1) First consideration of rezoning ordinance above.

(2) Final consideration of ordinance above, (waiver requested by MidAmerican Energy), requires 6 votes.

B. Resolution approving amendment to the 2020 Community Character Land Use Plan changing the future land use designation for property at 9201 US Highway 65/69, owned by AmerUs Land Development Inc., to Commercial: Auto-Oriented, Community Commercial.

(1) Resolution closing hearing on proposed rezoning of the property at 9201 US Highway 65/69, to a Ltd. "C-2" (General Retail and Highway Oriented Commercial District).

(2) First consideration of rezoning ordinance above.

(3) Final consideration of ordinance above, (waiver requested by AmerUs Land Development), requires 6 votes.

C. Resolution approving amendment to the 2020 Community Character Land Use Plan changing the future land use designation for portions of the property at 9601 US Highway 65/69, owned by The Charles I. Colby and Ruth Colby Investment Trust, to Commercial: Auto-Oriented, Community Commercial; Low/Medium Density Residential; Clear Zone/Development Control Zone; and, Park/Open Space.

(1) Resolution closing hearing on proposed rezoning of the property at 9601 US Highway 65/69 to a Ltd. "C-2" (General Retail and Highway Oriented Commercial District); Ltd. "R-5" (Mobile Home Residential District); Ltd. "A-1" (Agricultural District); and Ltd. "U-1" (Floodplain District).

(2) First consideration of rezoning ordinance above.

(3) Final consideration of ordinance above, (waiver requested by Carol Clarke and Clark Colby), requires 6 votes.

D. Resolution approving voluntary annexation of the territory described above, owned by The Charles I. Colby and Ruth Colby Investment Trust, AmerUs Land Development, Inc., MidAmerican Energy Company, the June N. Ten Hagen Marital Trust, the Max Ten Hagen Residuary Trust and the June N. Ten Hagen Trust, and the adjoining and intervening public rights-of-way.

60. 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, and to continue to April 7, 2003 at 5:30 P.M.

61. On 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.

62. On vacation and conveyance of a portion of the North/South alley adjoining 2300 Hickman Rd. to Rosa Soriano, \$400.

(A) First consideration of ordinance above.

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

63. On conveyance of City owned property at southwest corner of Grand Avenue and 56th Street to Michael B. and Dawne S. Garvey, \$8,500.

64. On Ashby Park Water Playground: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate and designating lowest responsible bidder as Russell Construction Co., Inc., (James V. Russell, Pres., Urbandale), \$424,799.99.

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

65. On M.L. King Jr. Parkway Raw Water Line Relocation: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate and designating lowest responsible bidder as Van Hauen & Associates, Inc. (Mark Van Hauen, Vice Pres/CEO, Clive), \$1,082,728.

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

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

APPROVING

66. Authorizing the Public Works Director to proceed with purchase of required carts to automate waste collection services for the remaining households in Des Moines, \$2,190,100.

[\(Council Communication No. 03-146\)](#)

67. Phase I Concept Plan for the Principal Riverwalk and authorizing staff to continue work on design and funding.

[\(Council Communication No. 03-132\)](#)

- (A) Access Advisory Board recommendation.
- (B) Historic Preservation Commission recommendation.
- (C) Park and Recreation Board recommendation.
- (D) Plan and Zoning Commission recommendation.
- (E) Public Art Commission recommendation.
- (F) Urban Design Review Board recommendation.

68. Directing sale of the following bonds, (bond sale will be held March 24, 2003, 11:00 AM):

- (A) General Obligation Refunding Bonds, Series 2003A \$21,340,000.

[\(Council Communication No. 03-145\)](#)

- (B) Stormwater Management Utility Revenue Bonds, Series 2003B, \$9,440,000.

[\(Council Communication No. 03-134\)](#)

69. Agreement with Employee and Family Resources to fund alcohol enforcement activities.

[\(Council Communication No. 03-125\)](#)

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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.

1. From Mayor Daniels regarding waiver of fees for water development and various permits for Metro Market.

A G E N D A

BOARD OF HEALTH

March 24, 2003

MOTION TO CONVENE

HEARINGS

1. On resolution to demolish and remove dangerous structure or to determine appropriate equitable action to be taken at 4125 47th Street, TITLEHOLDER: Willie L. and Dianne M. Mosley, and LEGAL INTEREST HOLDER: Ameriquet Mortgage Company, Attn: National Registered Agents, Inc., Registered Agents.

AUTHORIZING

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

(A) 2710 Indianapolis Avenue (vacant) TITLEHOLDERS: Rusty and Robin Hill.

(B) 2158 E. Walnut Street (vacant) TITLEHOLDERS: 2158 E. Walnut St., Inc., Attn: Leon M. Wilson, II, Registered Agent, Wendy S. Hudson, and Steve Hudson.

MOTION TO ADJOURN at _____ P.M.

Des Moines - City of Skywalks