

**DES MOINES CITY COUNCIL MEETING**

**April 19, 2004  
4:30 P.M.**

**SPECIAL PRESENTATIONS (4:00 P.M.)**

Presentation by EMC of check for repair of Denman Fountain at Woodland Cemetery

**PROCLAMATIONS (4:00 P.M.)**

Administrative Professionals Day  
Arbor Day  
Stress Free Commute Week (MTA)  
Rebuilding Together  
Workers Memorial Day  
Evelyn K. Scott-Davis Day  
Days of Remembrance

**INVOCATION:** Rabbi Baruch HaLevi  
Jewish Synagogue

- 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 55:

**LICENSES AND PERMITS**

- 4. Approving Alcoholic Beverage License Applications for the following:

## NEW APPLICATIONS

(A)	DAVIS CONCESSIONS	2601 HUBBELL AVE	B Beer
(B)	FOOD N FUEL	2110 GUTHRIE AVE	C Beer
(C)	SANDS VOLLEYBALL CLUB	6214 GRAND AVE	C Liquor

## RENEWAL APPLICATIONS

(D)	ALL IN THE FAMILY LOUNGE	4413 FLEUR DR	C Liquor
(E)	BOURBON ST	500 ARMY POST RD	C Liquor
(F)	DES MOINES ART CENTER RESTAURA	4700 GRAND AVENUE	C Liquor
(G)	GENES PLACE	2117 E UNIVERSITY AVE	C Liquor
(H)	JOHNS PLACE	2401 E WALNUT ST	C Liquor
(I)	KUM & GO #114	2919 E 14TH ST	C Beer
(J)	KUM & GO #743	3733 EASTON BLVD	C Beer
(K)	MANDARIN RESTAURANT	3520 BEAVER AVE	C Liquor
(L)	QUIKTRIP #515	1421 INGERSOLL AVE	C Beer
(M)	TIM FLANAGANS RESTAURANT & LOU AVE	2120 INGERSOLL AVE	C Liquor
(N)	VIC & ANDYS PUB	5114 SW 9TH STREET	C Liquor
(O)	YOUNKERS TEA ROOM	701 WALNUT ST	C Liquor
(P)	YOUNKERS TEA ROOM	701 WALNUT ST	B Wine

## SPECIAL EVENT APPLICATIONS

(Q)	DRAKE UNIVERSITY - ALUMNI TENT	2830 FOREST AVE	B Beer
(R)	DRAKE UNIVERSITY - HUBBELL	1319 30TH ST	C Beer/Wine
(S)	DRAKE UNIVERSITY - LEVITT HALL	2507 UNIVERSITY	C Liquor

5. City Clerk to issue Cigarette Licenses.

## PUBLIC IMPROVEMENTS

6. Ordering construction for the following:
- (A) Clark Street Sanitary Sewer Pump Station – Receiving of Bids, (5-11-04), and Setting Date of Hearing, (5-17-04), (Construction Estimate - \$1,075,776.50).
  - (B) Cownie Soccer Complex Concession Shelter Repair – Receiving of Bids, (5-11-04), and Setting Date of Hearing, (5-17-04), (Construction Estimate - \$45,000).
  - (C) SW 9<sup>th</sup> Street & Virginia Avenue Traffic Signals – Receiving of Bids, (5-11-04), and Setting Date of Hearing, (5-17-04), (Construction Estimate - \$85,000).

- (D) 2004 Sanitary Sewer Televising Program Contract 2 – Receiving of Bids, (5-11-04), and Setting Date of Hearing, (5-17-04), (Construction Estimate - \$136,114).
7. Approving agreement with Iowa Department of Transportation for E. 14<sup>th</sup>/S.E. 14<sup>th</sup> Street Traffic Signal Visibility Improvements.
- [\(Council Communication No. 04-192\)](#)
8. Approving Professional Services Agreement Amendment No. 2 with Brown and Caldwell Environmental Engineers and Consultants for WRA Secondary Treatment Aeration System Improvements, not to exceed \$6,810.
- [\(Council Communication No. 04-195\)](#)
9. Approving Birdland Marina Entrance Repairs – designating lowest responsible bidder, The Underground Company (Duane Burkhardt, President/CEO, DSM), and approving contract and bond, \$23,800.
10. Accepting completed construction and approving final payment of the following:
- (A) 8<sup>th</sup> Street Intake Removal South of Euclid Avenue, Corell Contractor, Inc.,
- (B) 8<sup>th</sup> & Mulberry Parking Garage Asbestos Removal, August Enterprises, L.L.C.
11. Approving extension of time and Change Order No. 1 with ASI-Modulex for additional work on 2003 Skywalk Directories and Overhead Signs, \$18,744.
- [\(Council Communication No. 04-191\)](#)
12. Communication from Jensen Construction Co. and United Contractors, Inc. for the M. L. King Jr. Parkway and Fleur Drive Intersection/Bridges Combined Project requesting permission to sublet certain items on the public improvement project.
13. Approving Private Construction Contract between Sternquist Construction Inc. and Clarke Company, Ltd. for street improvements in Woods On The River Plat 7.

## **SPECIAL ASSESSMENTS**

14. Approving the following corrections of NAC-Emergency Assessment Schedule – No. 2004-05:
  - (A) 1839 Capitol Avenue.
  - (B) 1340 Clark Street.
  
15. Approving deletion of NAC-Emergency Assessment at 1520 E. 15<sup>th</sup> Street.

### **LAND/PROPERTY TRANSACTIONS**

16. Approve and accept real estate documents for property at 2337 Maury Street for the East 20<sup>th</sup> Street Trunk Connector Sewer Project, \$ 2,200 plus closing costs.
  
17. Approve and accept real estate documents for property at 12472 Adams Street for the Southeast Ridge Trunk Sanitary Sewer Project, \$140 plus closing costs.
  
18. Approve and accept real estate documents for property at 214 Jackson Avenue for the American Discovery Trail Project-Riverpoint Segment, \$3 plus closing costs.
  
19. Approve and accept real estate documents for 4137 Colfax Avenue and 4140 East 38<sup>th</sup> Street for the Four Mile Interceptor Extension Project, \$420 plus closing costs.
  
20. Acceptance of agreement and Quit Claim Deed for transfer of Public Road Jurisdiction of former Iowa 28 from County Line Road to relocated Iowa 5 when received from the Iowa Department of Transportation.
  
21. Authorize Settlement Agreement for acquisition of property at 1716 and 1804 SE 35<sup>th</sup> Street, and 3444 Vandalia Road for the Agrimergent Technology Park Project for a total of \$139,600.
  
22. Authorization to proceed with early acquisition of two properties (2143 and 2147 High Street) for the Ingersoll Run Outlet Sewer Project, \$30,000 estimated cost.

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

23. Recommendation of Council Member Chris Coleman to appoint Andrew Tice to the Housing Appeals Board (Seat 3) for a three year term commencing March 16, 2003 to expire March 16, 2006.
- 23I. Recommendation of Council Member Christine Hensley to appoint Nancy Bobo to the Human Rights Commission (Seat 6) for a three-year term commencing April 4, 2004 to expire April 4, 2007.

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

24. On Application for Certificate of Public Convenience and Necessity from Charles DeVries to operate Limousine Services, (5-3-04).
25. On vacation and sale of the North/South alley adjoining 3009 SW 9<sup>th</sup> Street to abutting property owners, (5-3-04).
26. On sale of property at 2515 E. 35<sup>th</sup> Street to Donald L. Vaughn, \$1,300, (5-3-04).
27. On transfer of the wetlands area in the vicinity of US Hwy 65 and the Skunk River, to the Polk County Conservation Board, (5-3-04).

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

28. Approving payment of \$19,615.85 to Hansen, Bjork & Russell, LLP for representation in Summy V. City of Des Moines, et al.
29. Approving settlements made by City Attorney, not exceeding \$5,000.

#### **CITY MANAGER COMMUNICATIONS**

30. Submitting various traffic regulation changes as follows:
  - (A) Loading Zone – East Side of 13<sup>th</sup> Street, South of Forest Avenue.
  - (B) Parking Restriction Extension – East Side of SW 6<sup>th</sup> Street, South of Elm Street.
  - (C) Loading Zone – East Side of 5<sup>th</sup> Avenue, South of Watson Powell Jr. Way.

[\(Council Communication No. 04-193\)](#)

31. Submitting out-of-state travel for Tom Vlassis, Eric A. Anderson, Michael Armstrong, William Stowe, Patrick Kozitza, Gary Fuller, and Scott Richardson.

[\(Council Communication No. 04-172\)](#)

## **APPROVING**

32. Contracts with Iowa Department of Human Rights/Division of Community Action Agencies for the following:

- (A) Weatherization assistance with State of Iowa Contract No. DOE-04-07J - \$325,244 from April 1, 2004 to March 31, 2005.
- (B) Weatherization assistance with State of Iowa Contract No. HEAP-04-07J - \$416,708 from April 1, 2004 to March 31, 2005.

33. NUMBER NOT USED.

34. NUMBER NOT USED.

35. 2003 Shelter Plus Care Agreement by and between HUD and the City of Des Moines for supplemental funding for local homeless programs to address service gaps, \$738,792.

[\(Council Communication No. 04-175\)](#)

36. Extension of Maintenance and Support Agreement for Police AFIS System beginning May 1, 2004 and expiring April 30, 2005.

[\(Council Communication No. 04-174\)](#)

37. Contract with Dodgen Industries Incorporated (Humboldt, IA) to construct a Forensic Homicide Command Post Vehicle for use by the Police Department, \$109,730.

[\(Council Communication No. 04-178\)](#)

38. Annual renewal of agreement with Employee and Family Resources, Inc. for provision of Employee Assistance Program services for a period of one year beginning May 1, 2004, \$24,000.

[\(Council Communication No. 04-177\)](#)

39. Agreement with Iowa Environmental Services, Inc. (Rich Soyer, President, DSM) for periodic seasonal testing for mold in Armory Building.

[\(Council Communication No. 04-176\)](#)

40. Receipt of 2003 Annual Occupational Health and Safety Report of the City of Des Moines.

[\(Council Communication No. 04-187\)](#)

41. Recommendation of Landmark Review Board to issue a Certificate of Appropriateness for improvements to Sylvan Theater in Greenwood Park.

[\(Council Communication No. 04-186\)](#)

- (A) Ordering construction for Sylvan Theater Restoration-Receiving of Bids, (5-11-04), and Setting Date of Hearing, (5-17-04), (Construction Estimate - \$274,500).

42. Short-term Mortgage executed by the Science Center of Iowa for Disposition Parcel No. 01-2, Metro Center Urban Renewal Project.

[\(Council Communication No. 04-185\)](#)

43. Grant Application for 2004 Lead-Safe for Kids' Sake Project.

[\(Council Communication No. 04-188\)](#)

44. Receipt of proposed Airport Regulation No. 04-46 relating to rates and charges and insurance requirements at the Des Moines International Airport relating to operation of aircraft at the airport.

45. Receipt of two Federal Surface Transportation Program (STP) Transportation Enhancement (TE) grants from the Metropolitan Planning Organization (MPO) totaling \$300,000 for construction of the Riverpoint Segment of the American Discovery Trail (ADT).

[\(Council Communication No. 04-190\)](#)

46. Declaring official intent to issue debt to reimburse the City for certain original expenditures paid in conjunction with specified Sanitary Sewer Projects.

[\(Council Communication No. 04-179\)](#)

47. Resolution adjusting the principal amount of the following General Obligation Refunding Bonds:

- (A) Series 2004A, from \$22,310,000 to \$22,335,000.

[\(Council Communication No. 04-180\)](#)

- (B) Series 2004B, from \$34,660,000 to \$34,490,000.

[\(Council Communication No. 04-181\)](#)

48. Communication from Downtown Community Alliance submitting banner design on behalf of Mercy Medical Center requesting design approval and permission to display 40 banners in downtown on Locust Street in May and October, 2004.

49. Receipt of the Legislative Update of the 80<sup>th</sup> Iowa General Assembly.

50. Civil Service Entrance List for Horticulture Technician and Promotions List for Senior Police Officer.

51. Issuance of Request For Proposals for Ambulance Billing services.

[\(Council Communication No. 04-189\)](#)

52. Bids from the following:

- (A) Carpenter Uniform Company for an annual contract with two additional one-year renewal options to furnish uniform clothing to be used by the Fire Department. (Ten bids mailed, one received).

[\(Council Communication No. 04-173\)](#)

- (B) A-1 Ready Mix, Norwalk Ready Mix Concrete and American Concrete Products for an annual contract with two additional one-year renewal options to furnish Portland cement concrete products to be used by the Public Works Department. (Five bids mailed, three received).



- (C) Iowa Roofing Company for an annual contract with two additional one-year renewal options to furnish roofing repair services to be used by the Park & Recreation Department. (Seven bids mailed, two received).
  - (D) WahlTek for dictation equipment per State of Iowa Contract CT1113MV to be used by the Criminal Investigation Bureau of the Police Department, \$31,125.
  - (E) Interstate Electric Supply Company, \$24,080 and Brown Traffic Products, \$35,100 for various traffic signal modules to be used by the Traffic and Transportation Department. (Nine bids mailed, six received).
  - (F) Capital City Equipment for skid-steer loaders and trailers to be used by the Public Works Department Sewer Operations Division, \$110,541. (Twelve bids mailed, five received).
  - (G) Motorola Inc. for radio equipment per State of Iowa Contract CT1199MV to be used by the Police Department, \$58,165.30.
53. Authorizing Finance Director to issue checks on the registers of April 22 and April 29, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of April 19 and April 26, 2004; and to draw checks for biweekly payroll due employees on April 30, 2004.

#### **ORDINANCES - FINAL CONSIDERATION**

54. Items regarding rezoning of the following areas from “M-1” (Light Industrial) to “D-R” (Downtown Riverfront):
- (A) Area generally bounded by Raccoon and Allen Streets on the north, Scott Avenue on the south, SE 4<sup>th</sup> Street on the East and SE 2<sup>nd</sup> and SE 3<sup>rd</sup> Streets on the west.
  - (B) Area generally bounded by Interstate 235 on the north, Des Moines Street on the south, E. 4<sup>th</sup> Street on the east, and Robert D Ray Drive on the west.

#### **ORDINANCES - SECOND CONSIDERATION**

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

- (A) Parking Restriction Modifications due to the reconstruction of Park Street.
- (B) Designation of Aurora Avenue as a Three-Lane Roadway from Beaver Avenue to Merle Hay Road.
- (C) Parking Restriction Modification – 41<sup>st</sup> Street between University Avenue and Forest Avenue.
- (D) Removal of Rush-Hour Restriction-6<sup>th</sup> Avenue between Locust Street and Walnut Street.
- (E) Extension of Parking Restriction-South Side of East Fleming Avenue, East of East 14<sup>th</sup> Street.

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

**ORDINANCES - FIRST CONSIDERATION**

- 56. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
  - (A) Parking Meter Changes-North Side of Walnut Street between 12<sup>th</sup> Street and 13<sup>th</sup> Street.
  - (B) Corner Clearance-West Side of Fourth Street, South of Park Street.

**COMMUNICATIONS/REPORTS**

- 57. From Iowa Export-Import requesting “No Parking” signs on S.W. 6<sup>th</sup> Street to allow access to loading docks at 323 S.W. 6<sup>th</sup> Street.

**HEARINGS (Opened at \_\_\_\_\_ P.M.) (Item 58)**

- 58. On WRF Combined Hauled Waste/Solids Processing Improvements: Resolution approving plans, specifications, form of contract documents, and Engineers estimate.

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

**APPROVING**

59. Recommendation regarding request from South Side Revitalization Partnership on placement of “Des Moines Welcomes You” brick structure and landscaping at Highway 69 and Bloomfield. (Continued from 3-22-04).
  
60. Items regarding the Des Moines Metropolitan Wastewater Reclamation Authority:
  - (A) Amended and Restated Agreement, consenting to issuance of bonds by the Board, to construct improvements under the term of the agreement, which includes the Facilities Plan Update.
  
  - (B) Operating Contract with the City.

[\(Council Communication No. 04-194\)](#)
  
61. Preliminary commitment of \$500,000 for repair of the Polk County Convention Center.

## **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. Setting Date of Hearing on release of easements for property located in vacated alley in 800 block of Walnut Street. SPONSOR: Vlassis.

## **BOARD OF HEALTH**

MOTION TO CONVENE.

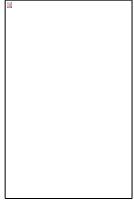
**HEARING**

1. On resolution to cause the removal of the garage structure by administrative process and to charge for the enforcement costs incurred in bringing an administrative removal action or to determine appropriate equitable action to be taken regarding 681 25<sup>th</sup> Street, Titleholder: May Stone.

## **AUTHORIZING**

2. Court authority to abate the public nuisance at the following locations:
  - (A) 2515 Garfield Avenue (vacant), Titleholder: Creative Homes, Inc.; Contract Buyer: Laura M. Tiedemann; Mortgage Holder: State Federal Savings & Loan Association of Des Moines.
  - (B) 1420 E. 21<sup>st</sup> Street (vacant), Titleholders: Gene Noble, Roy Noble, Ethel Noble, Fred Noble, Elaine Noble, Steve M. Noble, Janet Noble and Vicky Duff, heirs of Betty Noble; Dennis Bloom d/b/a Tax 105 and William Greven.
3. The Engineering Department to remove the following structures:
  - (A) 409 Franklin, Titleholder: Renitta Hervey d/b/a Solid Foundation Management.
  - (B) 1104 Fremont, Titleholder: Rising Homes, L.C.
  - (C) 1030 E. 8<sup>th</sup> Street, Titleholders: Jack and Mary Stuart; Tax Certificate Holders: Katherine Halloran d/b/a Wyoming 202 and John Zajicek d/b/a Z Fin 27.
  - (D) 1112 E. 13<sup>th</sup> Street, Titleholder: Rick Hickman d/b/a Hickman Auctions, Inc. d/b/a Hickman Properties.
  - (E) 1327 E. 14<sup>th</sup> Street, Titleholder: Cynthia Jones; Tax Certificate Holder: Glendower Corporation; Legal Interest Holder: United Services of Des Moines, Inc.
  - (F) 1051 19<sup>th</sup> Street, Titleholder: Rick Simmons; Tax Certificate Holders: Dave and Ann Powell.

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



All-America City  
1949 1976 1981 2003