

DES MOINES CITY COUNCIL MEETING

May 3, 2004 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.

John and Marge Connors Day
Visiting Nurses Proclamation
City of Des Moines Emergency Ambulance Service 30th Anniversary
Law Day

SPECIAL PRESENTATIONS

Dennis Lydon and Cathy Kelly, Employer Support of the Guard and Reserve Program

INVOCATION: Council Member Tom Vlassis

- 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 60:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	EL DORADO	1820 E ARMY POST RD	C Liquor
(B)	LEFTYS PLACE	509 E 25TH STREET	C Liquor

RENEWAL APPLICATIONS

(C)	BAYMONT INN & SUITES	6221 ARMY POST RD.	B Liquor
(D)	BREW HAUS LOUNGE	830 MCKINLEY AVE	C Liquor
(E)	DES MOINES YACHT CLUB	2617 INGERSOLL AVENUE	C Liquor
(F)	DONNAS LOUNGE	4424 SE 14TH ST	C Liquor
(G)	DUDS N SUDS	2552 HUBBELL AVENUE	B Beer
(H)	GIT N GO STORE #3	100 WATROUS AVE	C Beer
(I)	KRUEGERS AMOCO #2	630 SW 9th ST	C Beer
(J)	LOCO JOES NICKEL ARCADE	6550 SE BLOOMFIELD ROAD	B Beer
(K)	NOAHS ARK RESTAURANT	2400 INGERSOLL AVE	C Liquor
(L)	OLYMPIC FLAME RESTAURANT	514 E GRAND AVENUE	C Beer/Wine
(M)	SNACO	3000 SW 9TH ST	C Beer
(N)	SOUTHGATE AMOCO	3401 SE 14th STREET	C Beer
(O)	STEER AND STEIN	3000 E GRAND AVE	B Beer
(P)	STRANDED BY THE TRACKS	1922 HUBBELL AVE	C Liquor

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

PUBLIC IMPROVEMENTS

7. Ordering construction for the following:
 - (A) Upper Union Park Sewer Separation Phase II – Receiving of Bids, (5-25-04), and Setting Date of Hearing, (6-7-04), (Construction Estimate - \$4,146,278.50).
 - (B) SE 14th Street and Indianola Avenue Turn Lane and Signal Modifications – Receiving of Bids, (5-25-04), and Setting Date of Hearing, (6-7-04), (Construction Estimate - \$189,000).
 - (C) Thomas Beck Storm Sewer Repair west of SW 9th Street – Receiving of Bids, (5-25-04), and Setting Date of Hearing, (6-7-04), (Construction Estimate - \$97,000).
 - (D) Closes Creek-Neirob Court Storm Water Improvements – Receiving of Bids, (5-25-04), and Setting Date of Hearing, (6-7-04), (Construction Estimate - \$1,362,652).
 - (E) Western Gateway Improvements at 12th Street and Grand Avenue – Receiving of Bids, (5-25-04), and Setting Date of Hearing, (6-7-04), (Construction Estimate - \$260,000).
 - (F) 2004 HMA Pavement Milling & Resurfacing – Receiving of Bids, (5-25-04), and Setting Date of Hearing, (6-07-04), (Construction Estimate - \$906,300).

8. Approving the following items regarding WRF Combined Hauled Waste/Solids Processing Improvements – Submission of Bids, designating apparent lowest bidder as John T. Jones Construction, request from John T. Jones Construction to withdraw bid, City Engineer’s recommendation to reject all bids, Receiving of New Bids, (5-11-04), Engineer’s Estimate and Addendum No. 4.
9. Approving Professional Services Agreement with HDR, (George Little, President, Omaha, NE) to perform design services for WRF Emission Reduction Project, \$437,376.

[\(Council Communication No. 04-217\)](#)

10. Approving Private Construction Contracts for the following:
 - (A) Storm Sewer Improvements in Woods On The River Plat 3 between The Underground Company, Ltd. And Clarke Company, Ltd.
 - (B) Storm Sewer Improvements in northeast corner of intersection of E. 4th Street and E. Grand Avenue between Correll Contractor, Inc. and Nelson Development 10, LLC.
11. Accepting completed construction and approving final payment of Grand Avenue Storm Sewer – M.L. King Jr. Parkway to 28th Street, KRI Company.
12. Approving permission to sublet for Herberger Construction Co., Inc. for SW 9th Street Bridge over Yeader Creek.
13. Approving Change Orders No. 6 and 7 with Waldinger Corporation for additional work on Central Business District Traffic Signal Upgrade.

[\(Council Communication No. 04-221\)](#)

SPECIAL ASSESSMENTS

14. Approving deletion of NAC-Emergency Assessment at 4410 SE 16th Street.

15. Approving Division Assessment Schedule for Grandshire Area Sanitary Sewer Schedule 1995-07.
16. Levying Deficiency Assessments Schedule No. 2004-36.
17. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:
 - (A) Schedule 2004-06.
 - (B) Schedule 2004-54.

LAND/PROPERTY TRANSACTIONS

18. Approve and accept real estate documents for property for Southeast Ridge Trunk Sanitary Sewer Project, \$700 plus closing costs.
19. Approve and accept real estate documents for property for S.E. 14th Street and East Indianola Avenue Intersection Improvements Project, \$640 plus closing costs.
20. Accepting replacement Real Estate document for city-owned property in the vicinity of 2103 Ingersoll Avenue.
21. Authorizing acquisition of the necessary right-of-way and easements for the Four Mile Trunk Replacement Sewer Project and rescinding previous authorization to proceed with acquisition of the necessary right-of-way and easements for the WRA Four Mile Interceptor Extension Project.
22. Approving final subdivision plat entitled PARK AVENUE ESTATES located in the vicinity of 1700 block of East Park Avenue.

[\(Council Communication No. 04-210\)](#)

23. Approving subdivision plat entitled Coryn Subdivision (located east of NE 22nd Street (Delaware Avenue) and west of I-35 (located within the 2 mile jurisdiction).

[\(Council Communication No. 04-208\)](#)

24. Approving tax abatement application for additional value added improvements made during 2003 for property at 2608 Eagle Point Court.

[\(Council Communication No. 04-207\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

25. Recommendation of Mayor Frank Cownie to reappoint Mary Campos to Seat 1 on the Civil Service Commission for a four-year term commencing April 1, 2004 to expire April 1, 2008.
26. Communication from Earl LeRoy Edwards advising of his resignation from the Housing Appeals Board (Seat 5) effective May 12, 2004.

COMMUNICATIONS FROM PLANNING AND ZONING

27. Regarding preliminary subdivision plat for Culver Ridge Estates, vicinity of 2400 block of East Payton Avenue.

SETTING DATE OF HEARINGS

28. On Proposed Urban Renewal Plan for Fleur Drive Commercial Urban Renewal Area, (6-7-04).

[\(Council Communication No. 04-211\)](#)

29. On Annexation Moratorium Agreement and 28E Agreement with City of Norwalk, (6-21-04).
30. On Proposed Connection Fee Ordinance for Southeast Ridge Area Trunk Sewer System Benefited District, (6-7-04).
31. On sale of City property at 916 University Court, to Nicholas C. Martinez, \$2,000, (5-17-04).
32. On Zoning Ordinance text amendment to specifically authorize the Zoning Enforcement Officer to provide written determinations to a requesting party regarding applicability of Chapter 134 and related land use regulation to a specific site; and also establish a schedule of fees for provision of this service, (5-17-04).
33. On request from Cornerstone Family Church, to rezone property at 4375 SW 63rd Street from "PBP" (Planned Business Park) and "M-1" (Light Industrial) to Ltd. "C-2" (General Retail and Highway-Oriented Commercial), to allow for a retail center use of the property in conjunction with the planned religious assembly use, (5-17-04).

34. On intent to commence Public Improvement Projects to construct the following, and to acquire agricultural land for the projects, (6-7-04):
- (A) Clover Hill Trunk Sanitary Sewer.
[\(Council Communication No. 04-216\)](#)
 - (B) WRA Four Mile Interceptor Extension.
[\(Council Communication No. 04-222\)](#)
35. On the following General Obligation Bonds, (5-17-04):
- [\(Council Communication No. 04-203\)](#)
- (A) \$11,460,950 (Essential Corporate Purposes).
 - (B) \$19,316,200 (Essential Corporate Purposes).
 - (C) \$644,850 (General Corporate Purposes).
 - (D) \$736,150 (General Corporate Purposes).
 - (E) \$781,850 (General Corporate Purposes).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

36. Approving payments to law firm of Myers & Jenkins, \$1,270.02 and \$118 from Tishler & Wald, Ltd. for outside counsel for the UAL Corporation bankruptcy, (Total \$1,388.02).
37. Approving payment of \$432 to Sullivan & Ward, P.C. for assistance in matters pertaining to the National Pollution Discharge Elimination System Permit.
38. Approving payment of \$1,019.54 to Belin Law Firm for consultation and legal services in connection with acquisition of railroad property for the Riverwalk Project.
39. Approving payment of \$5,334.89 to Hansen, McClintock & Riley for representation of Ron Wakeham in David Griffith v. City of Des Moines, et al.

CITY MANAGER COMMUNICATIONS

40. Submitting out-of-state travel for Emily Chafa, Vern Ostrander, and Martha Nelson.

[\(Council Communication No. 04-200\)](#)

41. Submitting various traffic regulation changes as follows:

- (A) Corner Clearance-North Side of Pioneer Road, east of East Indianola Road.
- (B) Corner Clearance-North Side of Boyd Street, east of East 14th Street.
- (C) Parking Restriction-South Side of Day Street between 16th Street and 19th Street.
- (D) Code Revisions to Reflect New Alignment of McKinley Avenue.
- (E) Updates to Reflect Official Signing in Rosebud, Fleetwood Acres Plat 5, and Brookline Heights.
- (F) Four-Way Stop-Intersection of Kingman Boulevard and Thirty-fifth Street.

[\(Council Communication No. 04-218\)](#)

APPROVING

42. Certificates of Consistency with the City's 2000-2004 HUD Consolidated Plan and EC/EZ Strategic Plan for Community Housing Development Corporation (CHDC) for application of a HUD Youthbuild Grant.

[\(Council Communication No. 04-197\)](#)

43. 2003 Shelter Plus Agreement for supplemental funding for local homeless programs to address service gaps, \$731,400.

[\(Council Communication No. 04-199\)](#)

44. Grant Agreements with the U.S. Department of Housing and Urban Development (HUD) for funding of the 2004 HUD Consolidated Plan, \$6,435,581.

[\(Council Communication No. 04-198\)](#)

45. Intergovernmental 28E Shared Use Agreement with the Des Moines Independent School District for 2004/2005.

[\(Council Communication No. 04-204\)](#)

46. Greater Des Moines Softball Park Concession Agreement with Davis Concessions, George Davis, Owner, for a three-year term.

[\(Council Communication No. 04-201\)](#)

47. Directing sale of General Obligation Refunding Bonds, Series 2004A.

[\(Council Communication No. 04-206\)](#)

- (A) Authorizing redemption of outstanding General Obligation Refunding Bonds, Series 1996D.

48. Directing sale of General Obligation Refunding Bonds, Series 2004B.

[\(Council Communication No. 04-205\)](#)

- (A) Authorizing redemption of outstanding General Obligation Bonds, Series 1995C, 1996E, 1997B, and appointing Wells Fargo Bank N.A. as Registrar and Paying Agent.

49. Amendment to Intergovernmental Agreement for Promotion of Tourism and Convention Activities in greater Des Moines, to include the City of Grimes.

50. NUMBER NOT USED.

51. Use of various City Facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for the June Primary Election to be held on Tuesday, June 8, 2004.

52. Communication from Latino Heritage Festival Coordinator requesting banner design approval of various flags of twenty-two countries to be displayed during the Latino Heritage Festival on June 12 on the Walnut Street Bridge.

53. Communications from Downtown Community Alliance for display of the following banner designs:

- (A) Iowa State Fair for 72 banners on Locust Street and Grand Avenue during July and August.
 - (B) Various designs of up to 120 banners in Downtown Des Moines to display periodically throughout the year to fill any vacant banner poles.
54. Iowa State Fair request for temporary head-in parking along north side of Dean Avenue from East 31st Street to East 34th Street; temporary fencing to the sidewalk along Dean from East 31st Street to East 30th, and “No Parking” signs in the area east of East 34th Street (Gate 7) and Grand Avenue both north to University and south to Walnut Street during the fair, August 9 through August 22.
55. Quarterly Treasurer’s Report as of March 31, 2004.
- [\(Council Communication No. 04-202\)](#)
56. City of Des Moines Financial Report for the nine months ended March 31, 2004.
57. Proposal from OPS System, Inc. for an Integrated Management System (IMS) to be used by the Wastewater Reclamation Facility (WRF) and authorizing City Manager to negotiate and execute a contract, \$67,850.
- [\(Council Communication No. 04-223\)](#)
58. Bids from the following:
- (A) Mario’s Lawn Services for an annual contract with two additional one-year renewal options to furnish vegetation trimming services at Glendale and Laurel Hill Cemeteries. (Seven bids mailed, two received).
 - (B) Western Safety Products for MSA (Mine Safety Appliance) respirator face-piece adapter kits and breathing canisters for use by the HazMat Division of the Fire Department, \$44,113.65. (Seven bids mailed, six received).
59. Civil Service Entrance Lists for Park and Aviation Maintenance Technician, Housing Services Inspections Supervisor, Client Server Application Developer, and Promotional Lists for Senior Fire Medic, Senior Building Equipment Operator and Heavy Equipment Operator.

60. Authorizing Finance Director to issue checks on the registers of May 6 and May 13, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of May 3 and May 10, 2004; and to draw checks for biweekly payroll due employees on May 14, 2004.

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

ORDINANCES - FIRST CONSIDERATION

61. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows:
- (A) Loading Zone – East side of 13th Street, south of Forest.
 - (B) Parking Restriction Extension – East side of SW 6th Street, south of Elm Street.
 - (C) Loading Zone – East side of 5th Avenue, south of Watson Powell Jr. Way.

COMMUNICATIONS/REPORTS

62. From Dolph Pulliam, 1313 Chautauqua Parkway, regarding the Spectrum Program.

HEARINGS (Opened at _____P.M.) (Items 63 thru 71)

63. On vacation and sale of the North/South alley adjoining 3009 SW 9th Street, to abutting property owners.
- (A) First consideration of ordinance above.
64. On sale of property at 2515 E. 35th Street, to Donald L. Vaughn, \$1,300.
65. On transfer of the wetlands area in the vicinity of US Hwy 65 and the Skunk River, to the Polk County Conservation Board.
66. On release of easements for property located in vacated alley in the 800 block of Walnut Street.

67. On application for Certificate of Public Convenience and Necessity by C & C Limousine Service, Inc.

[\(Council Communication No. 04-219\)](#)

68. On Voluntary Annexation of territory at 3930 SE 72nd Avenue, (approximately 212 acres), and to continue to 5-17-04.

69. On University Avenue Bridge over Des Moines River Rehabilitation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Cramer & Associates, Inc., (Robert Cramer, President/CAO, DSM), \$712,817.

- (A) Approving contract and bond and permission to sublet.
- (B) Approving Supplemental Agreement No. 1 with Shuck-Britson, Inc. for Construction Phase Services.

[\(Council Communication No. 04-220\)](#)

70. On E. 20th Street Connector Trunk Sewer: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and submission of bids.

71. On Botanical Center and Police Station Underground Fuel Tanks: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as J. Pettiecord, Inc., (Jeff Pettiecord, President, DSM), \$82,410.

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

END HEARINGS AT _____ P.M.

APPROVING

72. Supplemental Agreement No. 2 with Brian Clark and Associates, Inc., (Brian Clark, President, DSM) for additional design services for Walnut Creek Trail, Phases I and II and Trail Alignment.

[\(Council Communication No. 04-209\)](#)

- (A) Communication from Matt Russell, 670 64th Street requesting permission to speak regarding placement of Walnut Creek Recreational Trail between Center Street and 63rd Street.

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 cost incurred in bringing an administrative removal action or to determine appropriate equitable action to be taken regarding 1320 E. 41st Street, Titleholder: John L. Ennis.

AUTHORIZING

- 2. Court authority to abate the public nuisance at the following locations:
 - (A) 2728 College, Titleholder: Lonnette M. Dafney; Mortgage Holders: Nationwide Advantage Mortgage Company, First Bank National Association, TMS Mortgage, Inc. d/b/a The Money Store.
 - (B) 2504 Des Moines Street, Titleholders: Matthew F. and Sonny L. Greene.
 - (C) 703 SE 25th Court, Titleholder: The Estate of Beverly F. Weiny.
 - (D) 3828 55th Street (shed structure), Titleholder: Pamela A. Gavin.
- 3. The Engineering Department to remove the structure at 1728 E. Grand, Titleholder: Charles and Patricia McBurney; Contract Buyer: Richard Eddy.
- 4. An extension of time for completion of the renovation at 930 39th Street and a stay of the demolition.

COMMUNICATION

- 5. From Larny Hendricks, 701 Boyd Street requesting permission to speak regarding structure replacement at 701 Boyd Street.

MOTION TO ADJOURN AT _____ P.M.

All-America City
1949 1976 1981 2003