

DES MOINES CITY COUNCIL MEETING

May 17, 2004 4:30 P.M.

2:00 P.M. to 4:00 P.M. - Reception for Council Member Michael Kiernan at City Hall

SPECIAL PRESENTATION (4:00 P.M.)

Swearing In Ceremony for Michael Kiernan

Recognition of Jerry Overman

PROCLAMATIONS

Public Works Week
World War II Veterans Recognition Day
National Employee Health and Fitness Day

INVOCATION: Pastor Tim Diebel, First 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

4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A)	CAFE DI SCALA	2002 WOODLAND AVE	B Wine
(B)	EAST SIDE GRILL	3301 E EUCLID AVE	C Beer/Wine
(C)	EL DORADO	1820 E ARMY POST RD	C Liquor
(D)	HOT BOX SPORTS CLUB	5914 SE 14TH STREET	C Liquor
(E)	MING DYNASTY BUFFET	4804 SW 9TH ST	B Beer
(F)	SUPER STOP	727 SE 14TH ST	C Beer

RENEWAL APPLICATIONS

(G)	CARLS PLACE	1620 WOODLAND AVE	C Liquor
(H)	DEPOT	3000 E GRAND AVE	B Beer
(I)	GIT N GO STORE #31	2601 SW 9TH ST	C Beer
(J)	HICKMAN PUB	2335 HICKMAN RD	C Liquor
(K)	HOYT SHERMAN PLACE	1501 WOODLAND AVE	C Liquor
(L)	JALAPENO PETE'S CANTINA	3000 E GRAND AVE	C Beer/Wine
(M)	KING YING LOW RESTAURANT	223 4TH STREET	C Beer/Wine
(N)	MERCY HOSPITAL MED CNTR	1111 6TH AVE	C Liquor
(O)	PIZZA HUT #4353	1435 ARMY POST ROAD	B Beer
(P)	QUALITY INN & SUITES EVENTS	929 3RD ST	B Liquor
(Q)	QUIKTRIP #516	1000 E UNIVERSITY AVENUE	C Beer
(R)	ROMANCE CAFE	1454 2ND AVE	B Beer
(S)	ROYAL FLUSH RESTAURANT	4440 HUBBELL AVE	C Liquor
(T)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Liquor
(U)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Wine
(V)	SPAGHETTI WORKS	308 COURT AVE	C Liquor
(W)	SUITES OF 800 LOCUST	800 LOCUST ST	B Liquor
(X)	UNIVERSITY LIBRARY CAFE	3506 UNIVERSITY AVE	C Liquor
(Y)	WAVELAND CAFE	4708 UNIVERSITY AVE	B Beer

TRANSFER TO NEW LOCATION

(Z)	DEPOT	3000 E GRAND AVE	B Beer	TEMPORARY TRANSFER OF LICENSE TO THE MIDWAY AREA FOR THE GOLDEN CIRCLE GAMES ON JUNE 16, 2004.
(AA)	DEPOT	3000 E GRAND AVE	B Beer	TEMPORARY TRANSFER OF LICENSE TO PLAZA STAGE AREA FOR THE WORLD PORK EXPO FROM JUNE 10, 2004 TO JUNE 12, 2004.
(BB)	WINSTONS PUB & GRILLE	800 WALNUT ST	C Liquor	TEMPORARY TRANSFER OF LICENSE FOR "BIG HAIR BALL" ON JUNE 12 th AND 13 th , 2004. PENDING APPROVAL OF BUILDING, ELECTRICAL, FIRE, ZONING AND VICE DEPARTMENTS.

OUTDOOR SERVICE APPLICATIONS

(CC)	BLAZING SADDLE	416 E 5TH ST	C Liquor	TEMPORARY OUTDOOR SERVICE AREA IN CONJUNCTION WITH HISTORIC EAST VILLAGE EVENT ON JUNE 11, 2004. PENDING APPROVAL OF BUILDING, ELECTRICAL AND FIRE DEPARTMENTS.
(DD)	COURT AVENUE BREWING CO	309 COURT AVE	C Liquor	TEMPORARY OUTDOOR SERVICE IN CONJUNCTION WITH SUMMER IN THE CITY ON JUNE 5, 2004. PENDING APPROVAL OF BUILDING DEPARTMENT.

SPECIAL EVENTS APPLICATIONS

(EE) HY VEE 2201 GEORGE FLAGG PKWY B Beer
IN CONJUNCTION WITH WATERSTOCK ROCK EFFECTIVE JUNE 17-21, 2004.

5. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

6. Ordering construction for the following:
 - (A) Agrimergent Technology Park Storm Sewer Outlet and Pump Station - Receiving of Bids, (6-8-04), and Setting Date of Hearing, (6-21-04), (Construction Estimate - \$1,887,910).
 - (B) Westchester Park Playground Improvements – Phase 2 – Receiving of Bids, (6-8-04), and Setting Date of Hearing, (6-21-04), (Construction Estimate - \$98,600).
 - (C) 2004 Sidewalk Replacement Program – Receiving of Bids, (6-8-04), and Setting Date of Hearing, (6-21-04), (Construction Estimate - \$174,800).
 - (D) 2004 Sidewalk Replacement Program – Designated Neighborhoods – Receiving of Bids, (6-8-04), and Setting Date of Hearing, (6-21-04), (Construction Estimate - \$174,750).
7. Approving various Actions regarding the WRF Combined Waste/Solids Processing Improvements Project, and transferring the project to the WRA for rebidding and award of contract, or:
 - (A) ALTERNATE RESOLUTION: Ordering Construction to have the City rebid the project with the following options:
 - (1) Approving this resolution which releases all John T. Jones Construction's security on the condition that John T. Jones will not be allowed to submit a bid.
 - (2) Approving this resolution with the revision that the City retain John T. Jones Construction's \$10,000 Certified check as security that will pay the actual cost to rebid the project on the condition that John T. Jones will be allowed to submit a bid.

[\(Council Communication No. 04-240\)](#)

- (B) Receive and file the Public Improvement Bid Evaluation Policy.

8. Approving 6th and Locust Emergency Sanitary Sewer Repair.
9. Approving Professional Services Agreement with Sinclair Architects, LC (Lon Sinclair, President, WDSM) in conjunction with Fire Station No. 3 Renovation, \$37,250.

[\(Council Communication No. 04-239\)](#)

10. Accepting completed construction and approving final payment for Fleur Drive Resurfacing from McKinley Avenue north to Railroad Viaduct (north of Bell Avenue), Des Moines Asphalt & Paving Co.
11. Approving the following Private Construction Contracts between Eco-Tech Construction, L.L.C., (Steve Gillotti, Manager, Grimes, Contractor), and Brook Run L.C., (Thomas J. Gratias, President, Clive, Owner) for construction of Sanitary Sewer, Storm Sewer and Paving Improvements in the following developments located at Douglas Avenue and Brook Run Drive:
 - (A) Brook Run Village Plat 11.
 - (B) Brook Run Village Plat 12.
12. Rescind previous Private Construction Contract approvals and approving replacement Private Construction Contracts between Corell Contractor, Inc. (Grant D. Corell, Vice President, WDSM, Contractor), and Dr. James Pollard (Boone, IA, Owner) for construction of the following in Easter Lake Estates Plat 7, located at Easter Lake Drive and SE 27th Street:
 - (A) Sanitary Sewer Improvements.
 - (B) Storm Sewer Improvements.

SPECIAL ASSESSMENTS

13. Approve deletion of NAC-Emergency Assessment at 1244 – 13th Street.
14. Approve refund of unused Special Assessment Default Fund, Refund Schedule No. 2004-02.
15. Approve Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fee for May 2004.

16. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:
 - (A) Schedule No. 2004-07.
 - (B) Schedule No. 2004-28.
 - (C) Schedule No. 2004-55.

LAND/PROPERTY TRANSACTIONS

17. Approve and accept real estate documents for property at 3300 Indianola Avenue for the S.E. 14th Street and East Indianola Avenue intersection improvement project, \$1,000 plus closing costs.
18. Approve and accept real estate documents for property at the Southwest corner of Littell Avenue and SW 30th Street, for the South Cargo Apron Expansion and Storm Water Detention Project.
19. Approve and accept real estate documents for property at 2227 Bennett Avenue, for the Closes Creek Storm Water Improvements Project, \$100 plus closing costs.
20. Approve and accept real estate documents for 5035 & 5055 McKinley Avenue, 5221 McKinley Avenue, and 5515 McKinley Avenue for the Airport Runway 13R/31L Project, \$685,000 plus closing costs.
21. Approve tax abatement application for Walgreen's for a new commercial building at 6200 SE 14th Street in 2003.

[\(Council Communication No. 04-235\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

22. Recommendation of Council Member Tom Vlassis to appoint the following:
 - (A) Peggy Dandy to Seat 4 on the Human Rights Commission for a three-year term commencing April 1, 2002 to expire April 4, 2005.
 - (B) Susan M. Koenig-VandeHaar to Seat 7 on the Park and Recreation Board for a four-year term commencing April 4, 2002 to expire April 4, 2006.

23. Removal of the Chesterfield Neighborhood Association from list of recognized neighborhood associations, in accordance with the City's Neighborhood Recognition Policy.

[\(Council Communication No. 04-227\)](#)

SETTING DATE OF HEARINGS

24. On assessment of \$300 penalty to five cigarette permittees for violation of Iowa Cigarette Laws, (6-7-04).
25. On issuance of not to exceed \$8,600,000 Stormwater Management Utility Revenue Bonds, (6-21-04).

[\(Council Communication No. 04-232\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. Approving payment of \$135.61 to Hall & Associates for legal services in conjunction with the Iowa Department of Natural Resources issuance of a National Pollution Discharge Elimination System permit for the Wastewater Reclamation Authority Treatment Plant.
27. Approving payment of \$8,586.94 to Edgar Nickelsen for settlement of workers' compensation claim for injuries sustained during course and scope of his employment.
28. Approving payment of \$8,988.83 to Todd Tilley, 1335 York Avenue as the result of stolen property while in possession of the Community Development Department by its agent, Des Moines Automotive, Inc.
29. Approving payment of \$9,500 to Iowa Walls Concrete Construction, Inc. (630 9th Street, Marion, IA) as the result of the sale of a stolen vehicle at City auction.
30. Approving payment of \$322.50 to Nyemaster, Goode, Voights, West, Hansell & O'Brien, P.C. for airport title opinion work.

CITY MANAGER COMMUNICATIONS

31. Submitting out-of-state travel requests for T. M. Franklin Cownie, Christine Hensley, Tom Vlassis, Jennifer Harris, Patty Loomis, Eric Nevins, and Steve Woody.

[\(Council Communication No. 04-224\)](#)

APPROVING

32. Environmental Certification and Request for Release of Funds from HUD for the Department of Housing Services 2004 Capital Fund Program.

[\(Council Communication No. 04-233\)](#)

33. Application for Enterprise Zone benefits for the Rose of Des Moines, L.P.'S for construction of 50 affordable assisted living units at 1918 Forest Avenue.

[\(Council Communication No. 04-236\)](#)

34. Acceptance of the State Home Funds for the Rose of Des Moines (19th Street and Forest Avenue, \$650,000) and East Village Square (East 4th Street and East Grand Avenue, \$800,000) to fund the construction and/or rehabilitation.

[\(Council Communication No. 04-234\)](#)

35. Goals for 2005-2009 Housing and Urban Development (HUD) Consolidated Plan Affordable Housing Strategy.

[\(Council Communication No. 04-243\)](#)

(A) Recommendation of Neighborhood Revitalization Board.

36. The following items regarding Lighthouse Communications, Inc. (Jim Masterson, CEO, DSM):

(A) Communication from City Manager regarding proposed economic development loan.

[\(Council Communication No. 04-242\)](#)

(B) Execution of necessary documents for enterprise zone benefits.

37. Request from Knapp Properties, Inc. to extend deadline to June 22, 2004 for satisfaction or waiver of conditions for property at 2103 Ingersoll Avenue in accordance with Purchase Agreement.

[\(Council Communication No. 04-244\)](#)

38. Selection of Apex Environmental Inc., Barker Lemar Engineering Consultants, Environmental Resource Services, Stanley Consultants Inc., and Tetra Tech EM Inc. to conduct Phase I environmental assessment work in select areas.

[\(Council Communication No. 04-225\)](#)

39. NUMBER NOT USED.
40. Authorizing and providing for the issuance of the following General Obligation Refunding Bonds and levying a tax to pay:
- (A) \$21,335,000 Series 2004A.
 - (B) \$33,300,000 Series 2004B.
41. Selection of McGladrey & Pullen, LLP as the City's independent financial auditor and directing negotiation and execution of a contract for fiscal years ending June 30, 2004, 2005 and 2006, with the option of two one-year renewals.
- [\(Council Communication No. 04-228\)](#)
42. Amendment to Occupational Health Care Services Agreement with Des Moines University Clinic (DMU).
- [\(Council Communication No. 04-226\)](#)
43. Fully insured health insurance plan for employees and retirees of the City for the period July 1, 2004 through June 30, 2005.
- [\(Council Communication No. 04-229\)](#)
44. Amended and Substituted License Agreement with Qwest Corporation for telecommunications cabinet on Fire Station property at 1727 E. Walnut Street.
- [\(Council Communication No. 04-237\)](#)
45. One-Year Extension of Downtown Parking System Management Contract with Ampco System Parking (Mark Muglich, Vice President, San Francisco, CA).
- [\(Council Communication No. 04-241\)](#)
46. Amendment to Consulting Agreement with MAXIMUS, Inc. for preparation of Central Service Cost Allocation Plan for fiscal year 2003.
- [\(Council Communication No. 04-230\)](#)

- 47. Bids from the following:
 - (A) Quad County Implement for a utility tractor to be used by the Wastewater Reclamation Facility, \$27,999. (Nine bids mailed, three received).
 - (B) Car Quest and NAPA Auto Parts for primary and secondary suppliers of automotive parts to be used by the Fleet Maintenance Center. (Seven bids mailed, two received).
 - (C) ASAP Software Express per State of Iowa Contract CT2545 for Microsoft software products to be used by the Information Technology Department, \$269,126.

[\(Council Communication No. 04-245\)](#)

- 48. Civil Service Entrance List for Tree Trimmer.
- 49. Authorizing Finance Director to issue checks on the registers of May 20, May 27, and June 3, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of May 17, May 24, and May 31, 2004; and to draw checks for biweekly payroll due employees on May 28, 2004.

ORDINANCES - SECOND CONSIDERATION

- 50. On vacation of the North/South alley adjoining 3009 SW 9th Street.
- 51. 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.

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

ORDINANCES - FIRST CONSIDERATION

52. Amending Chapter 114 of the Municipal Code regarding 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.

53. Amending Chapter 2 of the Municipal Code regarding procurement by solicitation of competitive bids, and procurement by request for proposals.

COMMUNICATIONS/REPORTS

54. From Youth Advisory Board regarding the success of MetroStar 2004.
55. From Stephen Clark, 1407 – 2nd Place, and Alisa Payton, 2902 – 2nd Avenue requesting to speak regarding an extension of time for completion of renovation and stay of demolition for property at 1406 – 2nd Place.
56. From Jeanne Johnson, Riverbend Neighborhood Association, requesting to speak regarding assignment of tax certificate for 1800 7th Street.
57. From Lyla Dozier, 741 27th regarding Woodland Heights Organization's request to remove four properties from the June certificate tax sale---922 24th, 800 24th, 814 29th, and 736 27th.

HEARINGS

58. On the following General Obligation Bonds:
 - (A) \$11,460,950 (Essential Corporate Purposes).

- (1) Authorization for additional actions.
- (B) \$19,316,200 (Essential Corporate Purposes).
 - (1) Authorization for additional actions.
- (C) \$644,850 (General Corporate Purposes).
 - (1) Authorization for additional actions.
- (D) \$736,150 (General Corporate Purposes).
 - (1) Authorization for additional actions.
- (E) \$781,850 (General Corporate Purposes).
 - (1) Authorization for additional actions.
- (F) Directing advertisement for sale of three series of General Obligation Bonds - \$32,940,000, (bonds will be sold on June 7).

[\(Council Communication No. 04-231\)](#)

- 59. 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.
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, requires 6 votes, (waiver requested by Community Development Director).
- 60. On sale of City property at 916 University Court, to Nicholas C. Martinez, \$2,000.
- 61. 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, and to continue to June 21, 2004 at 5:30 P.M.
- 62. On Voluntary Annexation of territory at 3930 SE 72nd Avenue, (approximately 212 acres, and to continue to June 7, 2004 at 5:30 P.M.

63. On Clark Street Sanitary Sewer Pump Station: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Rognes Corp., (Warren Rognes, President), \$1,049,401.
- (A) Approving contract and bond and permission to sublet.
64. On Cownie Soccer Complex Concession Shelter Repair: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Bergstrom Construction, Inc., (Tom Gorgas, President, DSM), \$45,000.
- (A) Approving contract and bond and permission to sublet.
65. On SW 9th Street and Virginia Avenue Traffic Signals: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Price Industrial Electric, Inc., (Jeremy Price, President, Hiawatha, IA), \$68,303.50.
- (A) Approving contract and bond and permission to sublet.
66. On Sylvan Theater Restoration: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Brocon Services, LLC, (Chris Brault, Managing Partner, Johnston), \$246,100.
- (A) Approving contract and bond and permission to sublet.
67. On 2004 Sanitary Sewer Televising Program Contract 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Hydro-Klean, Inc., (Andrew W. Merial, CEO), \$100,799.
- (A) Approving contract and bond and permission to sublet.

APPROVING

68. Resolution regarding the Court Avenue Project as proposed by Court Avenue Partners, (Jim Hubbell and Harry Bookey).

[\(Council Communication No. 04-246\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

HEARING

1. On resolution to cause the removal of the structures located at 1305 E. 38th Street 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, Titleholders: Mark and Jean Murray.

AUTHORIZING

2. Court authority to abate the public nuisance at the following locations:
 - (A) 2443 Capitol Avenue (garage structure), Titleholders: Oral D. and Mary E. Matney.
 - (B) 2604 Logan Avenue, Titleholder: Thomas A. Waddle.
 - (C) 1311 Oak Park Avenue, Titleholder: Charles G. Walls.
 - (D) 449 Tonawanda Drive, Titleholders: James F. Hiatt, Michael A. Hiatt, Patrick E. Hiatt; Tax Certificate Holder: Christine Frank d/b/a Tax 221.
 - (E) 2540 SE 14th Street, Titleholder: Fellowship Tabernacle.
 - (F) 1315 E. 38th Street, Titleholder: Francis Lloyd.
3. The Engineering Department to remove the following structures:
 - (A) 2423 E. 11th Street, Titleholder: Dan L. Howe and Robbie L. Howe; Contract Buyer: Dawn VanderSluis; Mortgage Holder: Community State Bank.
 - (B) 1152 22nd Street; Titleholder: Primo Acquisition I, L.L.C.

MOTION TO ADJOURN AT _____ P.M.

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