

**DES MOINES CITY COUNCIL MEETING**

**August 22, 2005 4:30 P.M.**

**SPECIAL PRESENTATIONS – 4:00 P.M.**

~~City County Joint Project “Metro Trails Map”~~

**PROCLAMATIONS – 4:00 P.M.**

National Alzheimer’s Month

**RECOGNITIONS 4:00 P.M.**

Jim Caraway  
Visiting Students from Kofu, Japan

**INVOCATION:** Rev. 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 45:

## LICENSES AND PERMITS

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

#### NEW APPLICATIONS

- |     |                 |                  |          |
|-----|-----------------|------------------|----------|
| (A) | SOME PLACE ELSE | 1833 HUBBELL AVE | C Liquor |
| (B) | TOADS TAVERN    | 3002 STATE AVE   | C Liquor |

#### RENEWAL APPLICATIONS

- |     |                                |                       |          |
|-----|--------------------------------|-----------------------|----------|
| (C) | CARLOS O'KELLYS MEXICAN CAFE   | 4371 MERLE HAY RD     | C Liquor |
| (D) | CASEYS GENERAL STORE #2314     | 3527 INDIANOLA AVE    | C Beer   |
| (E) | CASEYS GENERAL STORE #44       | 4560 E 14TH STREET    | C Beer   |
| (F) | CROATIAN FRATERNAL SLAVIC CTR  | 6575 INDIANOLA AVE    | C Liquor |
| (G) | DRAKE TEXACO                   | 3401 UNIVERSITY AVE   | C Beer   |
| (H) | EL MAYA                        | 1244 E 14TH ST        | C Liquor |
| (I) | FRATERNAL ORDER OF EAGLES      | 6567 BLOOMFIELD RD    | A Liquor |
| (J) | ORLONDOS                       | 4337 PARK AVE         | C Liquor |
| (K) | PHILLIPS 66 DOUGLAS AVE        | 4402 DOUGLAS AVE      | C Beer   |
| (L) | PHILLIPS 66 GRAND AVE          | 6222 GRAND AVE        | C Beer   |
| (M) | QUIKTRIP #527                  | 1215 6TH AVE          | C Beer   |
| (N) | QUIKTRIP #560                  | 2300 M L KING JR PKWY | C Beer   |
| (O) | VICTORY LANE MOTOR SPORTS CAFE | 3801 EASTON BLVD      | C Liquor |
| (P) | WAL MART SUPERCENTER #1723     | 5101 SE 14TH ST       | E Liquor |
| (Q) | WAVELAND COFFEE SHOP           | 4704 UNIVERSITY AVE   | C Liquor |
| (R) | WINE ETC                       | 555 WALNUT ST         | B Wine   |
| (S) | YO YOS BAR & GRILL             | 2400 DEAN AVE         | C Liquor |

#### TRANSFER TO NEW LOCATION

- |  |                              |                |          |
|--|------------------------------|----------------|----------|
| (T)  | BEGGARS BANQUET              | 1301 LOCUST ST | B Beer   |
| Permanent transfer from 2306 University Avenue. Pending approval of Building, Electrical, Zoning, Fire and Vice Departments. |                              |                |          |
| (U)  | DRAKE UNIVERSITY RATHSKELLAR | 1421 27TH ST   | C Liquor |
| Temporary transfer of license to Knapp Center on August 30, 2005. Pending approval of Building and Electrical Departments.   |                              |                |          |

#### OUTDOOR SERVICE APPLICATIONS

- |  |              |                 |          |
|--|--------------|-----------------|----------|
| (V)  | CHRISTOPHERS | 2816 BEAVER AVE | C Liquor |
| Temporary outdoor service area in conjunction with Beaverdale Fall Festival on September 16-18, 2005. Pending approval of Building, Electrical, Fire and Zoning Departments. |              |                 |          |
| (W)  | HESSEN HAUS  | 101 4TH STREET  | C Liquor |
| Temporary outdoor service area in conjunction with Central Iowa Blues Fest on September 4, 2005. Pending approval of the Building Department.                                |              |                 |          |

- (X) MICHAELS RESTAURANT & LOUNGE 4041 URBAN DALE AVE C Liquor  
Temporary outdoor service area in conjunction with Beaverdale Fall Festival on  
September 17 and 18, 2005.
- (Y) ROOKIES 6151 THORNTON AVE C Liquor  
Temporary outdoor service area on September 11, 2005. Pending approval of  
Building, Electrical, Fire and Zoning Departments.

**SPECIAL EVENT APPLICATIONS**

- (Z) OUR LADY OF THE AMERICAS PARISH 1403  
HARRIETT ST Five Day License  
Class B Beer License, pending approval of Building, Electrical and Fire  
Departments; also Park Board Approval.
- (AA) SKYLINE BAR AND GRILL 1160 24TH ST Five Day  
License  
Class B Beer License in conjunction with Dogtown Fest on September 10, 2005.  
Pending approval of Building, Electrical, Fire and Zoning Departments.

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

**PUBLIC IMPROVEMENTS**

- 7. Approving Iowa Department of Transportation agreement for 2<sup>nd</sup> Avenue and  
Madison Avenue Traffic Signal Improvements.

[\(Council Communication No. 05-475\)](#)

- 8. Approving agreement with the U.S. Department of the Interior, Geological  
Survey for the operation and maintenance of six (6) river and stream gaging  
stations.

[\(Council Communication No. 05-478\)](#)

- 9. Approving Change Orders for the following:

- (A) Change Order No. 1 with Western Waterproofing of Michigan, LLC, for  
additional work in the 5<sup>th</sup> & Walnut Parking Garage, not to exceed \$23,128.

[\(Council Communication No. 05-476\)](#)

- (B) Change Order No. 3 and Change Order No. 4 with Rasch Construction Inc., for additional work on the Southeast Ridge Trunk Sanitary Sewer – Phase 1 Project, not to exceed \$143,217.50.

[\(Council Communication No. 05-477\)](#)

- (C) Change Order No. 1 with Pro Environmental Abatement, Inc., under its Annual Demolition Contract – Asbestos Removal at 1308-1310 Grand Avenue, not to exceed \$23,987.

[\(Council Communication No. 05-470\)](#)

- 10. Approving Private Construction Contract between Gator Excavating, Inc. and Walden Point Limited Partnership for Storm Sewer Improvements in the east side of 4<sup>th</sup> Street at 1200 4<sup>th</sup> Street.
- 11. Approving completion and recommending acceptance of the following Private Construction Contracts:
  - (A) Manatt’s Inc. and Jerry’s Homes for Street Improvements in the new development Carman Estates Plat 1, located at Indianola Road and Easter Lake Drive.
  - (B) McAninch Corporation and Silver Oak LLC for Sanitary Sewer Improvements in the new development Carman Estates Plat 1, located at Indianola Road and Easter Lake Drive.
  - (C) McAninch Corporation and Silver Oak LLC for Storm Sewer Improvements in the new development Carman Estates Plat 1, located at Indianola Road and Easter Lake Drive.
  - (D) Christensen Construction and Des Moines Metropolitan Transit Authority for Storm Sewer Improvements for MTA building expansion at 1100 MTA Lane.
  - (E) Eco-Tech Construction, LLC and Concrete Supply of Iowa, LLC for Sanitary Sewer Improvements for extension from SE 28<sup>th</sup> Street to Railroad Avenue.
  - (F) Eco-Tech Construction, LLC and Oaks Development for Street Improvements in the new development, Meadowlands Plat 1, located at Indianola Avenue and Meadowland Chase.

- (G) McAninch Corporation and Oaks Development for Sanitary Sewer Improvements in the new development, Meadowlands Plat 1, located at Indianola Avenue and Meadowland Chase.
  - (H) McAninch Corporation and Oaks Development for Storm Sewer Improvements in the new development, Meadowlands Plat 1, located at Indianola Avenue and Meadowland Chase.
  - (I) Eco-Tech Construction, LLC and Mid-Iowa Land Company for Street Improvements in the proposed Sunrise Estate Plat 3, located at East 43<sup>rd</sup> Court and East Hull Avenue.
  - (J) McAninch Corporation and Oaks Development for Sanitary Sewer Improvements in the proposed Sunrise Estate Plat 3, located at East 43<sup>rd</sup> Court and East Hull Avenue.
  - (K) McAninch Corporation and Oaks Development for Storm Sewer Improvements in the proposed Sunrise Estate Plat 3, located at East 43<sup>rd</sup> Court and East Hull Avenue.
  - (L) R. G. Elder & Son Company and Robert Carter and Ken Paulding for Storm Sewer Improvements at 3749 East University.
12. Approving completed construction and final payment to the following:
- (A) Baker Electric, Inc. for 30<sup>th</sup> Street and Hickman Road Traffic Signal Upgrade.
  - (B) Van Hauen & Associates, Inc. for Clark Street – 27<sup>th</sup> to 29<sup>th</sup> Streets Storm Sewer Improvements.
  - (C) C.A.C. Properties, Inc. for Des Moines River Outfall Site Access Control.

## **LAND/PROPERTY TRANSACTIONS**

- 13. Real Estate documents for property at vicinity of Grand Avenue and North Valley Drive, for Walnut Creek Trail Phases I-B and II Project, \$3,720 plus closing costs.
- 14. Establishing Fair Market Value and authorizing acquisition of abandoned railroad corridor from south side of Gray's Lake and extending westerly to SW 30<sup>th</sup> Street for Southwest Connector Project, \$1,026,000.
- 15. Approving final plat entitled CARMEN ESTATES PLAT 4 in vicinity east of SE 24<sup>th</sup> Street on either side of E. Porter Avenue.

[\(Council Communication No. 05-456\)](#)

16. Authorization to proceed and acquire right-of-way for the E. 30<sup>th</sup> Street and State Avenue Intersection Realignment.

[\(Council Communication No. 05-474\)](#)

17. Approving Tax Abatement Application for additional value added by improvements made during 2002 for 500 North Valley Drive, Unit 804.

[\(Council Communication No. 05-469\)](#)

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

18. Recommendation of Council Member Christine Hensley to appoint Wendy Hemphill to Seat #12 on the Sister Cities Commission, five-year term commencing April 28, 2001 to expire on April 28, 2006.
19. Recommendation of Mayor Frank Cownie to reappoint Janelle Sarcone to Seat #1 on the Sister Cities Commission, five-year term commencing April 28, 2005 to expire on April 28, 2010.
20. Recommendation of Mayor Frank Cownie to reappoint Patricia Nesbitt to Seat #1 on the Municipal Housing Board, one-year term commencing July 1, 2005 to expire July 1, 2006.
21. Recommendations from Council Member Chris Coleman as follows:
  - (A) Reappointment of Marc Wallace to Seat #6 on the Plan and Zoning Board, five-year term commencing July 1, 2005 to expire July 1, 2010.
  - (B) Reappointment of William Gray to Seat #3 on the Zoning Board of Adjustment, five-year term commencing on April 1, 2005 to expire April 1, 2010.
  - (C) Appointment of Raul “Gus” Ramirez to Seat #3 on the Des Moines Music Commission expiring July 1, 2008.
22. Communication from Marilyn Fisher and Robert Fisher advising of their resignation from the Citizen Odor Board, (Seats #3 and #10), effective immediately.

## **COMMUNICATIONS FROM PLANNING AND ZONING**

23. NUMBER NOT USED
24. Regarding request from Kitchen Restaurants, LLC dba Star Bar for vacation and lease of strip of street right-of-way from north side of Ingersoll Avenue adjoining property located at 2811 Ingersoll Avenue, subject to conditions.
25. Regarding request from Russell Severson for vacation and conveyance of dead end segment of SW 59<sup>th</sup> running south of Tonka Avenue, subject to conditions.

## **SETTING DATE OF HEARINGS**

26. On vacation and conveyance of SE 12<sup>th</sup> Street right-of-way between Maury Street and Railroad Avenue to Aztec Motors, \$10,000, (9-12-05).

[\(Council Communication No. 05-472\)](#)

27. On vacation and conveyance of north/south alley lying east of and adjoining Lot 18, Drake University 3<sup>rd</sup> Addition to 2300 University Ave., LLC, \$3,000, (9-12-05).

[\(Council Communication No. 05-471\)](#)

28. On application from Jane Kelly-Forret & Michael J. Forret for Certificate of Public Convenience and Necessity to operate Limousine Services, Racing Limos of Central IA, LLC, (9-12-05).

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

29. Approving payment of \$712.50 to Hansen, McClintock & Riley for representation of Garth House in Isaac Harris v. City of Des Moines.
30. Approving payment of \$781.50 to Sullivan and Ward to represent City Stormwater Management Utility regarding issuance of TMDLS impacting MS-4 National Pollution Discharge Elimination System permit.

## **CITY MANAGER COMMUNICATIONS**

31. Submitting traffic regulation changes as follows:

[\(Council Communication No. 05-479\)](#)

- (A) Parking restriction-east side of SE 28<sup>th</sup> Street from Brockway Drive to the cul-de-sac.
- (B) Revision to school passenger loading and unloading zones.
- (C) Revision to parking prohibition during certain hours on certain days.
- (D) Revision to agree with actual on-street conditions -7<sup>th</sup> Street between Walnut Street and Locust Street.
- (E) Parking revisions due to ongoing construction of the Gateway West Project.
- (F) Parking meter revisions – south side of Park Street between 5<sup>th</sup> Avenue and 7<sup>th</sup> Street.

32. Submitting out-of-state travel request for T. M. Franklin Cownie, William McCarthy, Craig Zubrod, Rahn Bjornson and Don McLaughlin.

[\(Council Communication No. 05-454\)](#)

## **APPROVING**

33. FY2005-2006 Investment Agreement with United Way of Central Iowa.

[\(Council Communication No. 05-480\)](#)

34. Documents for \$75,000 State of Iowa CEBA Loan and \$75,000 Des Moines Action Loan Fund Loan to Trans-Lux Midwest Corporation.

[\(Council Communication No. 05-481\)](#)

35. Federal Aviation Administration Certification of Title for various properties.

36. Awarding contract for legal services to collect outstanding demolition judgments.

37. License Agreement for Recreational Trail on Railroad Leased Line Property for the Walnut Creek Trail.



38. 23<sup>rd</sup> Annual Boards and Commissions Appreciation Dinner to be held on Tuesday, October 11, 2005, new location --- Des Moines Botanical Center.

39. Bids from the following:

(A) American Aluminum Seating for relocation and renovation of bleacher sections from Principal Park Stadium to Cownie Soccer Complex to be used by the Park & Recreation Department, \$59,373. (Two bids mailed, one received).

[\(Council Communication No. 05-467\)](#)

(B) Mid-States Ford and Karl Chevrolet for various replacement vehicles to be used by the Police Department, \$79,272. (Eleven bids mailed, five received).

(C) American TV & Appliance for an annual contract for refrigerator and freezer replacement and removal services to be used by the Community Development Department, \$35,000. (Six bids mailed, two received).

(D) Logan Contractors Supply for asphalt sealant melter/applicator to be used by the Public Works Department, \$25,950. (Eight bids mailed, five received).

(E) Certified Lubemaster for annual contract with two (2) additional twelve (12) month renewal options to furnish fuel additives to be used by Fleet Maintenance Center and the Aviation Department, \$30,000. (Three bids mailed, three received).

(F) Iowa Transit (sole area wide distributor) for Topcon Survey Station to be used by the Engineering Department, \$31,550.

(G) Pomeroy IT Solutions, per State of Iowa Contract CT2708, for CISCO Systems wireless network upgrade equipment to be used by the Police Department, \$54,188.

(H) Campbell Consulting, (exempted from competitive bidding and advertisement requirements), for installation of internal and external wireless network equipment to be used by the Information Technology Department, \$31,539.14.

[\(Council Communication No. 05-483\)](#)

40. Civil Service Entrance Lists for Senior Clerk Typist and Senior Airport Operations Officer and Promotional Lists for Fire Medic and Senior Police Officer.

41. Authorizing Finance Director to draw checks on the registers of August 25 and September 1, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of August 22 and August 29, 2005; and to draw checks for biweekly payroll due September 2, 2005.

**ORDINANCES - SECOND CONSIDERATION**

42. Amending Chapter 118 of the Municipal Code, providing clarification that septic tank systems or private sewage disposal systems which are detrimental to the environment are prohibited and providing for municipal infraction and administrative penalties.
  
43. Amending Chapter 42 of the Municipal Code regarding run-off and illicit discharge requirements of the City's National Pollution Discharge Elimination System and maintenance of drainage facilities.
  
44. Amending Chapter 42 of the Municipal Code, regarding size and appointments to the Citizen Odor Board.  
  
(A) Final consideration of ordinance above, (waiver requested by City Clerk), requires 6 votes.
  
45. Amending Chapter 26 of the Municipal Code, regarding size and appointments to the Power Engineer's Examining Board.  
  
(A) Final consideration of ordinance above, (waiver requested by City Clerk), requires 6 votes.

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

**ORDINANCES - FIRST CONSIDERATION**

46. Amending Chapter 22 of the Municipal Code regarding composition of the Des Moines International Airport Board.  
  
(A) Final consideration of ordinance above, (waiver requested by the City Attorney), requires 6 votes.
  
47. Amending Chapter 26 of the Municipal Code regarding the Plumbing Code.

[\(Council Communication No. 05-455\)](#)

48. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) Corner clearance-south side of Indiana Avenue, west of 2<sup>nd</sup> Avenue.
  - (B) Parking restriction-east side of South Union Street from E. Dunham Avenue to E. Edison Avenue.

**COUNCIL REQUESTS**

49. From Council Member Tom Vlassis to discuss city personnel issue regarding Retirement Health Savings Plan.

**COMMUNICATIONS/REPORTS**

50. Receipt of Annual Report from Greater Des Moines Public Art Foundation.

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 51 THRU 57)**

51. On Resolutions of Support for Designation of the following as Cultural and Entertainment Districts:

[\(Council Communication No. 05-442](#) of 8/8/05)

- (A) Court Avenue
  - (B) Historic East Village
  - (C) Roosevelt
52. On appeal from Donald E. Luncsford, Jr., 4469 NE 23<sup>rd</sup> Street, DM, regarding recommended denial of taxicab license.

53. On vacating the portion of 14<sup>th</sup> Street and any remaining alley rights-of-way and reserved easements for public utilities within the two block area located between Locust Street and Grand Avenue, and between 13<sup>th</sup> and 15<sup>th</sup> Streets.

(A) First consideration of ordinance above.

54. On conveyance of 749 E. University Avenue to Kevin L. and Keri K. Sakalinh, \$750.

[\(Council Communication No. 05-473\)](#)

55. On 5<sup>th</sup> and Keo Parking Garage Rehabilitation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Cramer and Associates, Inc., (Robert Cramer, President/CAO, DSM), \$1,181,935.

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

56. On Leetown Creekway Wooden Box Replacement – Phase 3: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as The Underground Company, Ltd. (Duane Burkhardt, President, DSM), \$1,025,000.

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

57. On Western Gateway Demolition – 13<sup>th</sup> Street to 15<sup>th</sup> Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as D. W. Zinser Company, Inc., (David W. Zinser, President, Walford, IA), \$334,900.

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

\*\*END HEARINGS AT \_\_\_\_\_\*\*

## **APPROVING**

58. Resolution of Support for State of Iowa Great Places designation for the following:

(A) Beaverdale/Ingersoll.

(B) East Village.

[\(Council Communication No. 05-468\)](#)

59. Recommendation from the City Manager Selection Sub-Committee, regarding selection of a consultant.
60. Acceptance of \$950,000 Community Attraction and Tourism (CAT) grant in conjunction with Principal Park Seating Expansion and Outfield Improvements.

[\(Council Communication No. 05-482\)](#)

## **BOARD OF HEALTH**

### **MOTION TO CONVENE.**

### **AUTHORIZING**

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
  - (A) ~~1805 Arlington Avenue, Titleholder: Bulls and Bears, LLC; Mortgage Holders: US Bank, Jason Roose and Don Roose.~~
  - (B) ~~1134 Seneca Avenue (garage) Titleholder: Dusty L. and Cindy M. Glass; Mortgage Holder: Aames Capitol Corporation d/b/a Aames Home Loan.~~
  - (C) 1541 Walker Street (garage), Titleholder: Inie Clement and Augustine Akpan.
  - (D) ~~1142 Watrous Avenue (garage), Titleholder: Junior D. Curtis and Alice D. Loving.~~
  - (E) ~~1324 West Street, Titleholder: Linda and Carl Spurlock.~~
  - (F) 2323 SE 6<sup>th</sup> Street, Titleholder: Eileen G. Magnuson; Mortgage Holder: Lederman Bonding Company.
  - (G) 2338 SE 6<sup>th</sup> Street, Titleholder: Mary Davis-Cross; Mortgage Holder: Wells Fargo Financial Iowa 3, Inc.
  - (H) 717 SE 7<sup>th</sup> Street, Titleholder: Antonio A. Renteria, Jr.
  - (I) 615 SE 11<sup>th</sup> Street, Titleholder: The Estate of Carl D. Mondt and Jesse C. Ross.
  - (J) 1819 12<sup>th</sup> Street, Titleholder: Marietta J. and Raymond Denin.
  - (K) 1135 21<sup>st</sup> Street, Titleholder: Blue Lotus, Inc.
  - (L) ~~1543 22<sup>nd</sup> Street, Titleholder: David E. and Ameda L. Williams; Mortgage Holders: Aames Funding Corporation d/b/a Aames Home Loan and Dial Plan, Inc.~~
  - (M) 1717 23<sup>rd</sup> Street (garage), Titleholder: Mary K. Lapcheske.

2. The Engineering Department to cause the removal of the following structures:
  - (A) 1607 Forest Avenue, Titleholders: Jerry Davis a/k/a Jerry Lee Davis and Rita Holmes.
  - (B) 802 E. Granger Avenue, Titleholder: Centex Home Equity Corporation.
  - (C) 501 Kirkwood Avenue, Titleholder: Lori Leeper; Mortgage Company: Wells Fargo Bank Iowa, NA and Wells Fargo Financial Bank, (continued from August 8, 2005 meeting).

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



All-America City  
1949 1976 1981 2003