

DES MOINES CITY COUNCIL MEETING

September 27, 2004 4:30 P.M.

PROCLAMATIONS (3:30 P.M.)

Lutheran Hospital – 90th Anniversary Celebration

Domestic Violence Awareness

Italian Heritage Month

Jazz Appreciation Month and recognition of this year’s Hall of Fame Recipients:

Sam Salomone
Julius Brooks
Jim Eklof

RECOGNITIONS

Tunisian Women Business Owners

Des Moines Girls Amateur Softball Association (ASA) winners:

2004 South Des Moines JT’s – Iowa ASA 12 under A Girls Fastpitch State Champions

2004 South Des Moines Royals – Iowa ASA 10 Under B State Champions

2004 South Des Moines Jr. JT’s – Iowa ASA 10 Under A State Champions

INVOCATION: Rev. Irvin Lewis, Sr.
King of Kings Missionary Baptist 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 59:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage Applications for the following:

NEW APPLICATIONS

- | | | | |
|-----|--------------------|---------------------|--|
| (A) | ARIRANG RESTAURANT | 5514 DOUGLAS AVE | |
| | C Beer/Wine | | |
| (B) | BUZZ | 214 3RD ST | |
| | C Liquor | | |
| (C) | SCHAFFERS | 601 E LOCUST | |
| | ST | | |
| | B Wine | | |
| (D) | TROPIK | 3015 MERLE HAY ROAD | |
| | C Liquor | | |

RENEWAL APPLICATIONS

- | | | | |
|-----|--------------------------|-----------------------|--------|
| (E) | AG FOOD & GAS MART II | 1516 SE 1ST STREET | |
| | C Beer | | |
| (F) | BEST FOOD MART | 4028 E 14TH ST | |
| | C Beer | | |
| (G) | BISTRO MONTAGE | 2724 INGERSOLL AVE | |
| | C Liquor | | |
| (H) | CAMPBELLS CONCESSIONS | 3000 E GRAND AVE | |
| | B Beer | | |
| (I) | CAMPBELLS CONCESSIONS | 3000 E GRAND AVE | |
| | B Beer | | |
| (J) | DRAKE LIQUOR STORE | 2106 FOREST AVE | |
| | E Liquor | | |
| (K) | G T RACE CAR BAR | 3013 INGERSOLL AVE | |
| | C Liquor | | |
| (L) | GIT N GO STORE #33 | 865 42ND ST | |
| | C Beer | | |
| (M) | GODFATHERS PIZZA | 3022 SE 14TH STREET | B Beer |
| (N) | INGERSOLL DINNER THEATER | 3711 INGERSOLL | |
| | AVE | | |
| | C Liquor | | |
| (O) | KENNY DS | 3925 E 14TH | |
| | STREET | | |
| | C Liquor | | |
| (P) | LOCO JOES | 4100 MERLE HAY | |
| | RD | | |
| | B Beer | | |
| (Q) | MERLE HAY LANES | 3800 MERLE HAY RD | |
| | C Liquor | | |
| (R) | ONE STOP FOOD MART | 1800 SE 14TH ST | |
| | C Beer | | |
| (S) | ROBINS WOOD OVEN GRILL | 6401 SE 14TH ST | |
| | C Beer/Wine | | |
| (T) | SHOP-N-SAVE | 2127 M L KING JR PKWY | |
| | E Liquor | | |
| (U) | SMOKEYS TRIANGLE TAP | 2506 POST | |
| | C Liquor | | |

(V)	STUDIO 55 ST	C Liquor	204 3RD
(W)	TRATTORIA B Wine		207 4TH ST
(X)	TRATTORIA C Liquor		207 4TH ST
(Y)	ZIMMS AVE	C Liquor	3124 INGERSOLL

PUBLIC IMPROVEMENTS

5. 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 in the Des Moines area.

[\(Council Communication No. 04-466\)](#)

6. Authorization to proceed with federal levee improvements consisting of four (4) closures in the levee system along the Des Moines and Raccoon Rivers in the downtown area.

[\(Council Communication No. 04-467\)](#)

7. Approving Change Order No. 8 with Jasper Construction Services, Inc. for additional work on the Highland Park Streetscape Project in an amount not to exceed \$39,091.74.

[\(Council Communication No. 04-464\)](#)

8. Approving completion and recommending acceptance of the following Private Construction Contracts:

- (A) Sternquist Construction, Inc. and Brook Run L.C. for Street Improvements for proposed Brook Run Village Plat 7 at Brook View Drive and Meadow Wood Drive.
- (B) McAninch Corporation and Brook Run L.C. for Storm Sewer Improvements for proposed Brook Run Village Plat 7 at Brook View Drive and Meadow Wood Drive.
- (C) McAninch Corporation and Brook Run L.C. for Sanitary Sewer Improvements for proposed Brook Run Village Plat 7 at Brook View Drive and Meadow Wood Drive.

- (D) McAninch Corporation and Brook Run L.C. for Storm Sewer Improvements in proposed Brook Run Village Plat 6 at Village Run Drive and Brook Run Drive.
- (E) McAninch Corporation and Brook Run L.C. for Sanitary Sewer Improvements in proposed Brook Run Village Plat 6 at Village Run Drive and Brook Run Drive.
- (F) Sternquist Construction, Inc. and Brook Run L.C. for Street Improvements for proposed Brook Run Village Plat 6 at Village Run Drive and Brook Run Drive.
- (G) Sternquist Construction, Inc. and Brook Run L.C. for Street Improvements for proposed Brook Run Village Plat 5 at Brook View Avenue and East 53rd Street.
- (H) McAninch Corporation and Brook Run L.C. for Sanitary Sewer Improvements in proposed Brook Run Village Plat 5 at Brook View Avenue and East 53rd Street.
- (I) McAninch Corporation and Brook Run L.C. for Storm Sewer Improvements in proposed Brook Run Village Plat 5 at Brook View Avenue and East 53rd Street.

- 9. Approving Private Construction Contract between Lindner Painting, Inc. and Principal Life Insurance Company for Bridge Improvements on Des Moines Union Railway Bridge, \$1,200,000.

SPECIAL ASSESSMENTS

- 10. Authorization to proceed with construction of Sidewalk Program/Request to Repair Driveway Petition and Waiver forms executed by six property owners and Paving or Curb Replacement Program/Request to Repair Driveway Petition and Waiver form by one property owner.
- 11. Approving deletion of special assessments as follows:
 - (A) 701 Grandview Avenue, Schedule 2004-10.
 - (B) 1308 Fremont, Schedule 2004-10.
 - (C) 695 – 25th Street, Schedule 2004-09.

LAND/PROPERTY TRANSACTIONS

12. Approving real estate documents for property at 5083 McKinley Avenue for the Airport Runway 13R/31L Project, \$212,000 plus closing costs.

13. Approving final subdivision plat for Brook Run Village Plat 11, south of East Douglas Avenue and on either side of Brook Run Drive.

[\(Council Communication No. 04-485\)](#)

14. Approving final subdivision plat for Brook Run Village Plat 12, south of East Douglas Avenue and on either side of Springwood Lane.

[\(Council Communication No. 04-486\)](#)

15. Approving final subdivision plat for Three Lakes Estates Plat 6, north of East Pine Avenue and on either side of Three Lakes Parkway.

[\(Council Communication No. 04-487\)](#)

16. Approving Tax Abatement applications for additional value added by improvements made during 2004. (102 applications).

[\(Council Communication No. 04-479\)](#)

17. Approving tax abatement applications that were timely filed, for additional value added by improvements during 2001, 2002, and 2003 as follows:

(A) 1711 & 1719 6th Avenue.

[\(Council Communication No. 04-475\)](#)

(B) 1346 Stewart.

[\(Council Communication No. 04-476\)](#)

(C) 5304 SE 28th Street.

[\(Council Communication No. 04-478\)](#)

(D) 2876 Druid Hill Drive.

[\(Council Communication No. 04-477\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. Communication from Gayle Collins advising of her resignation from the Park and Recreation Board (Seat 14) effective immediately.
19. Communication from Kenneth Hall advising of his resignation from the Access Advisory Board (Seat 2) effective immediately.
20. Recommendation of Mayor Frank Cownie to reappoint Patricia Nesbitt to the Municipal Housing Governing Board for a one-year term commencing July 1, 2004 to expire July 1, 2005.
21. Recommendation of Council Member Tom Vlassis to reappoint Delores Jean Minahan to the Neighborhood Revitalization Board (Seat 2) for a three-year term commencing June 30, 2004 to expire June 30, 2007.

COMMUNICATIONS FROM PLANNING AND ZONING

22. Regarding request from R&W Investments, LLC, for vacation and conveyance of the remaining segment of north/south alley between 6th Avenue and 7th Street, south of University Avenue, and the east/west segment of alley, south of University Avenue from 7th Street to the north/south alley.

SETTING DATE OF HEARINGS

23. On proposed First Year Action Plan (2005) of the 2005-2009 HUD Consolidated Plan, (11-8-04).

[\(Council Communication No. 04-457\)](#)

(A) Funding recommendations from the Neighborhood Revitalization Board.

24. On sale of City property south of Ingersoll, north of Grand and west of projected Martin Luther King Jr. Parkway, to Metzger Smith Properties, L.L.C., \$20,000, (10-11-04).

25. On sale of City property at Witmer Parkway and Beaver Avenue, to R. M. Madden Construction, \$16,240, to construct a single-family home, (10-11-04).
26. On Supplement No. 16 to the Governmental Lease-Purchase Master Agreement, not to exceed \$80,000, to acquire 3 SUV's for the Police Department NBSD Program, (10-11-04).

[\(Council Communication No. 04-458\)](#)

27. On issuance of bonds for the following, (10-11-04):
 - (A) \$20,650,000 Sewer Revenue Refunding Bonds, to refinance Series 2002C and 1995A.
- (B) Loan and Disbursement Agreement and issue of \$5,965,000 Sewer Revenue Capital Loan Notes, to fund the Upper Union Park Sewer Separation Project and the Clark Sanitary Station Pump Replacement.

[\(Council Communication No. 04-472\)](#)

- (C) \$5,160,000 Sewer Revenue Bonds, to fund the Southeast Ridge Trunk Sanitary Sewer.

[\(Council Communication No. 04-473\)](#)

28. On request from St. Andrew's Group LLC, for amendment to the Carman Estate PUD Concept Plan, for property in the 2400 block of E. Payton, to define site concept for 96 condominium residential units within six two-story structures subject to revisions to the plan, (10-11-04).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

29. Approving employment of Frank Harty and law firm of Nyemaster, Goode, McLaughlin, Voigts, West, Hansell & O'Brien, P.C. to consult and perform services in connection with collective bargaining and related matters at a rate of \$125 per hour, plus out of pocket expenses.
30. Approving payment of \$6,819.73 to Ahlers & Cooney, P.C. in conjunction with the Series 2004F Stormwater Management Utility Revenue Bonds.
31. Approving payment of \$10,502.05 to law firm of Ahlers & Cooney, P.C. in connection with negotiation and approval of the Lease-Purchase Agreement with Employers Mutual Casualty Company.

32. Approving payment of \$210.65 to Ahlers & Cooney, P.C. for services in conjunction with certain environmental matters with the development of the Kiwanis Nature Island at Riverview Park.
33. Approving payment of \$4,911.35 to the law firm of Myers & Jenkins for representation of the City in the UAL Corporation bankruptcy.
34. Approving payment of \$243 to Sullivan and Ward, P.C. in conjunction with matters pertaining to NPDES permit and environmental issues in lease and use agreements at the Des Moines International Airport.
35. Approving payment of \$80,886.15 to Frank Edwards for payment of workers' compensation benefits for injury sustained during course and scope of employment.
36. Approving payment of \$7,650 allocated as follows: \$2,500 to Keetha Temple, \$2,500 to Darnell Browder, and \$2,650 to Rockne Cole, attorney, pursuant to agreement for settlement of federal civil rights claims.

CITY MANAGER COMMUNICATIONS

37. Regarding a survey of noontime crossing guards and staffing recommendations.

[\(Council Communication No. 04-468\)](#)

38. Submitting traffic regulation changes as follows:

- (A) Petition for Parking Restriction Reversal-Thornton Court, west of SE 20th Street.
- (B) Intersection Study-34th Street and Clark Street.

[\(Council Communication No. 04-469\)](#)

39. Submitting out-of-state travel for Kelly Drane.

[\(Council Communication No. 04-456\)](#)

APPROVING

40. Initial LIHEAP Contract with Iowa Department of Human Rights/Division of Community Action Agencies for energy related assistance for low-income persons from October 1, 2004 to September 30, 2005.

41. \$250,000 Grant request from the City and West Des Moines State Bank, to the Federal Home Loan Bank of Des Moines Affordable Housing Program, to fund emergency repairs for low-income owner-occupants.

[\(Council Communication No. 04-463\)](#)

42. Assignment of Tax Sale Certificate for 830 25th Street to S & G Real Estate Investments, Inc.

[\(Council Communication No. 04-480\)](#)

43. City economic development loan in the amount of \$100,000 to Lightedge Solutions, Inc. (formerly known as Lighthouse Communications, Inc.) to assist with expansion of its corporate office and workforce.

[\(Council Communication No. 04-482\)](#)

44. FY 2004 Official Financial Report for City Streets.

[\(Council Communication No. 04-484\)](#)

45. Quarterly Treasurer's Report as of June 30, 2004.

46. Wire Transfer Agreement with Bankers Trust Company, N.A.

47. Public Art for the Riverwalk Project.

[\(Council Communication No. 04-491\)](#)

48. Receipt of proposed Airport regulation change regarding Parking Ticket Fee charges for patrons unable to produce their issued ticket upon exiting, effective November 25, 2004.

49. 2005 City Council Meeting Schedule.

50. Use of various City facilities as poll sites for precincts 31, 36, 60, 64, 82 and 83 for General Election to be held Tuesday, November 2, 2004.

51. Contract with Mercy School of Emergency Medical Services for Fire Recruit Paramedic education and training services for 2004 Recruit Academy.

[\(Council Communication No. 04-459\)](#)

52. Addendum to Seat Management Contract with Public Technology, Inc. and EER Systems, Inc. to reflect name change of EER Systems, Inc. to L-3 Communications Government Services, Inc.
53. Contract with U.S. Cellular providing wireless telecommunication services and equipment through State of Iowa Contract CT1993 for public safety cell phone users.
54. Purchase and installation of Crimeview software and training for Police Department crime statistics, maps and reports.

[\(Council Communication No. 04-460\)](#)

55. Bids from the following:
 - (A) Heiman Fire Equipment for annual contract with two additional one-year renewal options to furnish fire coats and bunker pants to the Fire Department, \$85,000. (Eight bids mailed, three received).

[\(Council Communication No. 04-465\)](#)

- (B) Truck Country for one 39,000 GVW single axle truck for use by the Public Works Department, \$88,476. (Eight bids mailed, two received).
56. Civil Service Entrance Lists for Computer Work Station Operator, Fleet Services Service Person, False Alarm Coordinator, Fleet Services Mechanic, and Refuse Collector.
57. Finance Director to draw checks for check registers of September 30 and October 7, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of September 27 and October 4; and to draw checks for biweekly payroll due October 1, 2004.

ORDINANCES - SECOND CONSIDERATION

- 58. On request from Rottlund Homes of Iowa, Inc. to rezone 818 and 840 Polk Boulevard from R1-80 (One Family Residential) to Limited PUD (Planned Unit Development), for 17 single-family dwellings.
 - (A) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

- 59. Amending Chapter 114 of the Municipal Code regarding traffic regulation change for parking restriction modifications due to new construction on 2nd Avenue between Court Avenue and Vine Street.

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

ORDINANCES - FIRST CONSIDERATION

- 60. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows:
 - (A) Corner Clearance-East Side of East 43rd Court, south of Douglas.
 - (B) Corner Clearance-West Side of 21st Street, north of Meek Avenue and west Side of 21st Street, south of Mondamin Avenue.
 - (C) Removal of Commercial Loading Zone-West Side of 8th Street North of Walnut Street.
 - (D) Loading Zones Established-30th Street between University Avenue and Forest Avenue.

- 61. Amending Chapters 1 and 114 of the Municipal Code regarding general penalty, operators license, reckless and careless driving and roadwork zone regulations.

[\(Council Communication No. 04-489\)](#)

- (A) Final consideration of ordinance above, (waiver requested by Police Department), requires 6 votes.

COUNCIL REQUESTS

62. From Council Member Tom Vlassis regarding Resolution of Commitment to the American Dream.

COMMUNICATIONS/REPORTS

63. Regarding Telephone Language Interpreter Service for City offices.

[\(Council Communication No. 04-488\)](#)

INFORMAL HEARINGS (OPEN AT _____ P.M.) (ITEM 64)

64. On Construction of 2004/05 Sidewalk Program.
 - (A) SW 15th (west side) from Geil to Havens.
 - (B) McKinley Avenue (north side) from Fleur to 920' east.

HEARINGS (OPEN AT _____ P.M.) (ITEMS 65 THRU 72)

65. On appeal from Mike Wilson and Jeff Wilson, 3127 Hickman Road, of the Administrative Hearing Officer's decision regarding their dogs.
66. Affirming decision of the Historic Preservation Commission denying a Certificate of Appropriateness for alterations to 818-15th Street, or;
 - (A) ALTERNATE RESOLUTION: Reversing the decision.

[\(Council Communication No. 04-441\)](#)

67. On Voluntary Annexation of territory at 3930 SE 72nd Avenue, (approximately 217 acres).
 - (A) Approving Agreement for extension of sewer service to the SE Annexation Area.

68. On request from Forget Properties LLC to rezone property at 4411 SE 14th Street and 4321 SE 15th Ct. from “C-2” (General Retail and Highway-Oriented Commercial) and “R1-70” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) to allow for 48 units of multi-family residential, car wash, 8 single-family residential lots and an 8,000 square foot retail commercial building, subject to conditions.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, waiver requested by applicant, (requires 6 votes).
69. On vacation and conveyance of east/west segment of alley between Clark Street and College Avenue from 9th Street west to north/south alley to Ralph B. Henderson, \$50.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, waiver requested by applicant, (requires 6 votes).
70. On vacation and conveyance of portion of right-of-way in vicinity of Evergreen Avenue, S.E. 24th Street and E. Watrous Avenue to Robert Carter, Margaret Richey and Duane A. Richey, \$1.
- (A) First consideration of ordinance above.
71. On vacation and conveyance of north/south and east/west alleys in vicinity of East Vine Street, East Market Street, SE 7th Street and SE 8th Street to Hawkeye Land Company, \$21,300.
- (A) First consideration of ordinance above.
72. On vacation and conveyance of Third Street from University Avenue to Laurel Avenue to Mercy Medical Center, \$180,000.
- (A) First consideration of ordinance above.

END HEARINGS AT _____ P.M.

CITY MANAGER RECOMMENDATION

73. Regarding preliminary terms for a ten-year license to Wellmark, for use of 1,000 spaces in City parking garages.

[\(Council Communication No. 04-490\)](#)

APPROVING

74. Refund of Neighborhood Inspection rental code fees in the amount of \$205,109.67 to landlords.

[\(Council Communication No. 04-461\)](#)

- (A) Amendment to the Schedule of Fees for the Neighborhood Inspection Rental Code.

[\(Council Communication No. 04-462\)](#)

75. Selection of Advanced Data Processing, Inc. (Miami, Florida) to provide ambulance service billing for three-year period beginning October 1, 2004 with the option of two one-year renewals.

[\(Council Communication No. 04-481\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. Court authority to abate the public nuisance at the following locations:
 - (A) 1529 17th Street, Titleholder: Ida Morris; Mortgage Holders: The Provident Bank and Aames Home Loan.
 - (B) 1001 37th Street (garage), Titleholder: Linda Thornton; Mortgage Holder: Ameriquet Mortgage Company.

2. The Engineering Department to cause the removal of the structure at 1421 Garfield, Titleholder: Earl L. Edwards.
3. Release of demolition cost reserve held by State Farm Insurance Companies under claim number 15-E070-198 regarding the property located at 1218 Virginia Avenue insured by Cynthia Welsher and Rodney Welsher.
4. Release of demolition cost reserve held by State Farm Insurance Companies under clam number 15-E072-346 regarding the property located at 4030 33rd Street insured by Nancy Owens.

MOTION TO ADJOURN AT _____ P.M.

All-America City
1949 1976 1981 2003