

DES MOINES CITY COUNCIL MEETING

October 11, 2004 4:30 PM

PROCLAMATIONS – 4:00 P.M.

Des Moines Jazz History Day and introduction of this year’s Hall of Fame winners:

Sam Salomone
Julius Brooks
Jim Eklof

SPECIAL PRESENTATIONS

2004 Best of Des Moines Business Record Readers’ Poll

2004 Winner:

Beaverdale – Best Neighborhood to Live in the Metro

2004 Runner Up:

Sherman Hill – Best Neighborhood to Live in the Metro

INVOCATION: Pastor Tony Thurston
College Avenue 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 46:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License applications for the following:

NEW APPLICATIONS

- | | | | |
|-----|-------------------|--------------------|----------|
| (A) | EL ZACATECAS CLUB | 3211 INDIANOLA AVE | C Liquor |
| (B) | ROAD TRIP OF IOWA | 2110 GUTHRIE AVE | C Beer |

RENEWAL APPLICATIONS

- | | | | |
|-----|-----------------------|-----------------------|-------------|
| (C) | APEX OIL | 1200 SE 30TH ST | C Beer |
| (D) | BLAZING SADDLE | 416 E 5TH ST | C Liquor |
| (E) | BLUES ON GRAND | 1501 GRAND AVE | C Liquor |
| (F) | BORDENAROS PIZZA | 6108 SW 9TH ST | C Beer/Wine |
| (G) | DRAKE DINER | 1111 25TH ST | C Liquor |
| (H) | FAMILY PANTRY | 4538 LOWER BEAVER RD | E Liquor |
| (I) | FLEUR CINEMA & CAFE | 4545 FLEUR DR | C Beer/Wine |
| (J) | FLEUR WINE AND ALE | 4521 FLEUR DR | C Beer |
| (K) | GIT N GO STORE #6 | 5736 FRANKLIN AVE | C Beer |
| (L) | JOE AND BETTYS | 1225 E 30TH | C Liquor |
| (M) | KARTARS MINI MART | 3761 E UNIVERSITY AVE | C Beer |
| (N) | MY PLACE | 910 HULL AV | C Liquor |
| (O) | PETROPOINTE ON SECOND | 1501 2ND AVE | C Beer |
| (P) | QUIKTRIP #500 | 3700 HUBBELL AVE | C Beer |

SPECIAL EVENTS APPLICATIONS

- | | | | |
|-----|---|-----------------|-------------|
| (Q) | RAULS MEXICAN FOOD | 504 E LOCUST ST | C Liquor |
| | FIVE DAY LICENSE IN CONJUNCTION WITH "AN EVENING WITH ANNA GASKELL" ON OCTOBER 22, 2004. PENDING APPROVAL OF BUILDING, ELECTRICAL, FIRE, ZONING AND VICE DEPARTMENTS. | | |
| (R) | WINSTONS PUB & GRILLE | 800 WALNUT ST | C Beer/Wine |
| | FIVE DAY LICENSE IN CONJUNCTION WITH "DIG DOWNTOWN" ON OCTOBER 15, 2004. | | |

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

PUBLIC IMPROVEMENTS

7. Resolution to REJECT all bids on the Denman Fountain Restoration project, (project estimated cost of under \$25,000)--lowest bid was over estimate, will be rebid next year.

8. Approving Agreement with Iowa Department of Transportation for Park Avenue Improvements from SW 42nd Street to SW 56th Street.

[\(Council Communication No. 04-505\)](#)

9. Approving Professional Services Agreement with Hellmuth, Obata + Kassabaum, Inc., (Rick Martin, Senior Principal, Kansas City, MO) for Principal Park 2004 Stadium Improvements, not to exceed \$410,500.

[\(Council Communication No. 04-512\)](#)

10. Approving Change Order No. 4 with Cramer and Associates, Inc. for additional work on University Avenue Bridge over Des Moines River Rehabilitation, not to exceed \$189,657.39.

[\(Council Communication No. 04-510\)](#)

11. Accepting completed construction and approving final payment for the following:

- (A) Douglas Avenue Widening at Beaver Avenue, Cedar Valley Corp.
- (B) Greater Des Moines Softball Park Field Lighting, High Tech Electric, LLC.
- (C) Cownie Soccer Complex Improvements, Concrete Technologies Inc.
- (D) Drainage Improvements Behind 201 E. Grand Avenue, Castle Concrete Services, Inc.
- (E) Glendale Cemetery 2004 HMA Overlay, Grimes Asphalt & Paving Corp.

12. Communications from various contractors requesting permission to sublet certain items on the Upper Union Park Sewer Separation Phase II and the American Discovery Trail – Riverpoint Segment public improvement projects.

13. Approving Private Construction Contract between Nelsen Plumbing Company and Zhu & Chen Enterprises, LLC for Sanitary and Storm Sewer Improvements at 4212 Douglas Avenue, \$9,000.

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

- (A) Van Hauen & Associates, Inc., and Erickson Development, Inc. for Sanitary Sewer Improvements for proposed Three Lakes Estates Plat 5 Development at Sweetwater Drive, Brockway Drive, and SE 28th Street.

- (B) Van Hauen & Associates, Inc., and Erickson Development, Inc. for Storm Sewer Improvements for proposed Three Lakes Estates Plat 5 Development at Sweetwater Drive, Brockway Drive, and SE 28th Street.
 - (C) Sternquist Construction, Inc. and Erickson Development, Inc. for Paving Improvements for proposed Three Lakes Estates Plat 5 Development at Sweetwater Drive and Brockway Drive.
15. Approving completion and recommending acceptance of private construction contract with The Massman Group, LLC for alley paving improvements near 110/120 – 10th Street, subject to inspection and approval of the City Engineer.

SPECIAL ASSESSMENTS

- 16. Receive and file petition and waiver form, for paving or curb replacement program/request to repair driveway, for property at 1358 E. 15th Street.
- 17. Deletion of NAC-Emergency Assessment at various locations.
- 18. Deletion of special assessments at various locations.
- 19. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule No. 2004-11.

LAND/PROPERTY TRANSACTIONS

20. Approving real estate documents for the following properties:
- (A) 910 Mason Avenue for SW 9th Culvert Repair at Luster Lane Project, \$690 plus closing costs.
 - (B) 5415 McKinley Avenue for the Airport Runway 13R/31L Project, \$184,000 plus closing costs.
 - (C) 5215 McKinley Avenue for the Airport Runway 13R/31L Project, \$166,000 plus closing costs.
 - (D) Ewing Park for the Easter Lake Retention Basin Project – Phase 2, closing costs only.
 - (E) 1615 East 18th Street for the Guthrie Avenue Business Park Project, \$1 plus closing costs.

- (F) 1201 Center Street for the 12th Street Reconstruction at Keosauqua Way Project, \$1,455 plus closing costs.
- (G) 3009 East Payton Avenue for the Easter Lake Retention Basin Project, \$1 plus closing costs.

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 21. Recommendations from Council Member Michael Kiernan as follows:
 - (A) NUMBER NOT USED.
 - (B) Reappointment of Joseph Grandanette to the Park and Recreation Board (Seat 4) for a four-year term commencing June 30, 2003 to expire June 30, 2007.
 - (C) Reappointment of Dean Peyton to the Public Housing Board (Seat 2) for a three-year term commencing June 30, 2004 to expire June 30, 2007.
 - (D) Reappointment of Jeffrey Morgan to the Urban Design Review Board (Seat 2) for a three-year term commencing June 30, 2004 to expire June 30, 2007, and reappointment to Seat 4 on Skywalk Committee (as member of Urban Design Review Board) for a three-year term commencing June 30, 2004 to expire June 30, 2007.

- 21-I Recommendation of Council Member Bob Mahaffey to appoint Odell Jenkins to Seat 10 on the Park and Recreation Board commencing June 30, 2001 to expire June 30, 2005.

SETTING DATE OF HEARINGS

- 22. On vacation of segment of Monroe Street right-of-way in vicinity of 1300 SE 1st Street, (10-25-04).
- 23. On conveyance of City-owned landlocked property south of Ingersoll Avenue, north of Grand Avenue, and west of projected Martin Luther King, Jr. Parkway to Timothy J. Flanagan Corporation, \$1, (10-25-04).
- 24. On conveyance of 501 West Martin Luther King Jr. Parkway to WKKS Properties, LC, \$150,000, (10-25-04).

25. On vacation and conveyance of east/west alley between Ingersoll Avenue and Grand Avenue from 16th Street to 17th Street to Iowa Paint Manufacturing Company, \$65,500, (10-25-04).
26. On request from Terrus Group to amend the Hillside PUD Conceptual Plan for property located between 7th and 9th Streets and between Center and Crocker Streets, (10-25-04).

[\(Council Communication No. 04-514\)](#)

27. On proposed Connection Fee Ordinance for Southeast Ridge Area Trunk Sewer System Benefited District, (11-22-04).
28. On intent to convey the Des Moines Metropolitan Wastewater Reclamation Facility, and certain sanitary interceptor sewers, Wastewater Detention Basins and Pumping Stations, to the Des Moines Metropolitan Wastewater Reclamation Authority, (10-25-04).

CITY MANAGER COMMUNICATIONS

29. Submitting various traffic regulation changes as follows:
 - (A) Corner Clearance-North Side of Creston Avenue, west of SW 12th Street.
 - (B) Stop Sign on Gray Street at SE 3rd Street.
 - (C) Allow Parking-East Side of 19th Street from Woodland Avenue, south to the Alley.

[\(Council Communication No. 04-509\)](#)

30. Submitting traffic regulation changes regarding proposed 2004 City Snow Routes.

[\(Council Communication No. 04-508\)](#)

31. Submitting out-of-state travel for Bill McCarthy, John Jones, Joanne Pollock, and Michael Armstrong.

[\(Council Communication No. 04-492\)](#)

APPROVING

32. Issuance of Certificate of Completion for Water Street Brownstones.

[\(Council Communication No. 04-502\)](#)

33. Preliminary terms of agreement with 2300 University, LLC for redevelopment project between 23rd and 24th Streets, south of University Avenue.

[\(Council Communication No. 04-501\)](#)

34. Preliminary approval for \$100,000 loan to Excell Marketing, L.C. and authorizing placement of traffic signals at Park Avenue and SW 55th Street in conjunction with final approval of Loan Agreement.

[\(Council Communication No. 04-511\)](#)

35. Preliminary approval for a NCR (Neighborhood Commercial Revitalization) loan, \$200,000, for renovations to 420 E. Locust Street.

[\(Council Communication No. 04-498\)](#)

36. Authorization to submit Grant Agreement to EPA to obtain release of previously approved grant funds for lining of sanitary sewers.

[\(Council Communication No. 04-506\)](#)

37. Submission of a \$50,000 grant request to Polk County Housing Trust Fund for the development of four affordable single-family homes in the King Irving neighborhood.

[\(Council Communication No. 04-503\)](#)

38. Iowa Department of Transportation Agreement, No. 07253 for capital improvements at the Commercial Air Service Airports between the City and the Iowa Department of Transportation for capital improvements at Des Moines International Airport, \$411,852.

[\(Council Communication No. 04-500\)](#)

39. Advisory Board's recommendation for use of the 2004 Local Law Enforcement Block Grant funds.

[\(Council Communication No. 04-499\)](#)

40. McKinley Avenue Corridor Study.

[\(Council Communication No. 04-507\)](#)

41. 2005 City Council Meeting Schedule.
42. Request from the Des Moines Marathon Executive Director to hang a temporary banner at the finish line across 20' of East 1st Street between East Court and East Walnut for the Des Moines Marathon on October 17, 2004.
43. Civil Service Entrance Lists for Investigative Assistant, Parking Meter Checker, Custodial Worker, Customer Service Representative, and Senior City Planner.
44. Finance Director to draw checks for check registers of October 14 and October 21, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of October 11 and October 18, 2004; and to draw checks for biweekly payroll due October 15, 2004.

ORDINANCES - FINAL CONSIDERATION

45. 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.

ORDINANCES - SECOND CONSIDERATION

46. 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.
 - (E) Final consideration of ordinance above, (waiver requested by Traffic and Transportation), requires 6 votes.

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

ORDINANCES - SECOND CONSIDERATION

- 47. On vacation of north/south and east/west alleys in vicinity of East Vine Street, East Market Street, SE 7th Street and SE 8th Street.

ORDINANCES - FIRST CONSIDERATION

- 48. Amending Chapter 114 of the Municipal Code regarding various 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 REQUESTS

- 49. From Council Members Tom Vlassis and Bob Mahaffey to speak regarding proposed City/County merger proposal.
- 50. From Council Member Michael Kiernan, to discuss forming a Live Music Commission.

COMMUNICATIONS/REPORTS

- 51. Petition from residents in the vicinity of Martin Luther King Academy of Math and Science, 1849 Forest Avenue, requesting a rolling stop sign at 18th and Forest Avenue.

52. From the Des Moines Chapter of the Iowa Council of the United Blind, to make a presentation to Council in conjunction with White Cane Safety Day, October 15.

53. From Francine Belinsky, 3105 Stanton, to speak regarding an assessment for clean-up of her property.

54. From Bob Wessel, 2719 E. Leach, to speak regarding the Water Works.

HEARINGS (OPEN AT _____ P.M.) (ITEMS 55 THRU 64)

55. On sale of City property at Witmer Parkway and Beaver Avenue, to R. M. Madden Construction, \$16,240, to construct a single-family home.

56. On sale of 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.

57. On request from St. Andrew's Group LLC, for amendment to the Carman Estates 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.

58. 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.

[\(Council Communication No. 04-493\)](#)

(A) Authorization for additional action.

59. NUMBER NOT USED.

60. On application for Voluntary Annexation from Twin Eagles Development, L.L.C. for approximately 33 acres consisting of the NE 30th Place right-of-way extending west from NE 52nd Ct. and an adjoining tract of land extending south to NE 23rd Avenue (Easton Blvd.) and NE Oakhill Drive **to continue to October 25, 2004 at 5:30 PM.**

(A) Set date of hearing on request from Twin Eagles Development, L.L.C. to rezone property at 5450 NE 23rd Avenue from "A-1" (Agricultural) to "PUD" (Planned Unit Development) and approve a "PUD" conceptual plan for "Copper Crossing", (10-25-04).

[\(Council Communication No. 04-515\)](#)

61. On Issuance of bonds for the following:

- (A) \$20,650,000 Sewer Revenue Refunding Bonds, to refinance Series 2002C and 1995A.

[\(Council Communication No. 04-495\)](#)

- (1) Authorization for additional action.

- (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.

[\(Council Communication No. 04-496\)](#)

- (1) Authorization for additional actions.

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

[\(Council Communication No. 04-494\)](#)

- (1) Authorization for additional actions.

62. On Bill Riley Trail Drainage Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Van Hauen & Associates, Inc. (Mark Van Hauen, CEO/Vice President, Clive), \$44,000.

- (A) Approving contract and bond.

63. On Fire Station No. 3 Renovation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Walter, Inc., (Randall W. Snider, President, DSM), \$373,000.

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

64. On Easter Lake Retention Basins – Basin 9: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating

lowest responsible bidder as Peterson Contractors Inc., (Cordell Peterson, President), \$718,848.10.

- (A) Approving contract and bond and permission to sublet.
- (B) Approving Professional Services Supplemental Agreement No. 1 with Snyder & Associates, not to exceed \$74,000.

[\(Council Communication No. 04-504\)](#)

* * * END HEARINGS AT _____ P.M. * * *

APPROVING

- 65. Establishing a temporary moratorium on new “M-2” uses pending a comprehensive review of the “M-2” District boundaries and regulations.

[\(Council Communication No. 04-513\)](#)

- 66. Wells Fargo Financial, Inc. application for enterprise zone benefits to the Des Moines Enterprise Zone Commission and Iowa Department of Economic Development.

[\(Council Communication No. 04-497\)](#)

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. Requests from Council Member Tom Vlassis, regarding the following:
 - (A) Council-initiated rezoning of a portion of Forest Avenue, on the south side, from 17th Street west to the western edge of the alley between 18th Street and 19th Street, from C-2 to R1-60; and the north side of Forest from 17th to 19th, from C-2 to R1-60, to allow for construction of infill housing
 - (B) To place a 4-way stop at 39th and Madison; and to change the speed limit on Madison Avenue from Beaver east to MLK, Jr. Pkwy, from 30 mph to 25mph; Continue the 25 mph while lights are flashing near Woodlawn School.

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. Court authority to abate the public nuisance at the following locations:
 - (A) 2347 Capitol Avenue, Titleholders: Robert W. Farver and Mary H. Farver; Mortgage Holder: Bankers Trust Company of California, NA, as Custodian or Trustee.
 - (B) 2208 Garfield Avenue (garage), Titleholder: The Estate of Robert J. Hutton.
2. The Engineering Department to remove the following structures:
 - (A) 510 Davis Avenue, Titleholder: Jennifer Knight heir to the Estate of Joan Knight.
 - (B) 1291 DeWolf Street, Titleholder: Edward L. Barber, Jr.
 - (C) 5804 Snyder Avenue, Titleholder: Mary Alice Lane Estate.
 - (D) 1406 2nd Place, Titleholder: Steven J. Clark.
 - (E) 671 37th Street (garage), Titleholders, Geraldine P. Jennett and Paul L. Jennett.
3. Release of demolition cost reserve held by American Modern Home Insurance Company under claim number 1551763001 regarding the property located at 2238 Elizabeth Avenue insured by Andy Newsome and Randy Snider.
4. Release of demolition cost reserve held by Shelter Insurance Companies under claim number 14-71-494951-1 regarding the property located at 200 Hart Avenue insured by Mike Williamson.

COMMUNICATION

5. Regarding a demolition cost reserve being held by GAB Robins North America, Inc. for the fire damaged structure located at 3206 Raccoon Street.

MOTION TO ADJOURN AT _____ P.M.

All-America City
1949 1976 1981 2003