

DES MOINES CITY COUNCIL MEETING

August 8, 2005

Closed Session – 3:30 PM

Municipal Housing Governing Board - 3:45 PM

Special Presentation - 4:00 PM

Regular Meeting – 4:30 PM

I. CLOSED SESSION (3:30 PM)

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa
- (C) Closed Session
- (D) Terminate closed session and reconvene in open session.

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SPECIAL PRESENTATIONS (4:00 PM)

Presentation by Governor Thomas Vilsack.

INVOCATION: Council Member Tom Vlassis

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

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***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 license applications for the following:

NEW APPLICATIONS

(A)	4TH ST SUPPLY CO	204 4TH ST	E Liquor
(B)	GIT N GO STORE #7	3000 MERLE HAY RD	C Beer
(C)	KUM & GO #194	4001 SW 9TH ST	B Wine
(D)	QV'S CAVATELLI	209 EUCLID AVE	C Liquor

RENEWAL APPLICATIONS

(E)	25TH STREET CAFE	1229 25TH ST	C Liquor
(F)	AMF DES MOINES LANES	3839 E 14TH ST	C Liquor
(G)	CROATIAN FRATERNAL SLAVIC CTR	6575 INDIANOLA AVE	C Liquor
(H)	DRAGON HOUSE EAST	2470 E EUCLID AVE	C Liquor
(I)	JUDGE ROY BEANS	210 COURT AVE	C Liquor
(J)	OAKMOOR RACQUETBALL HEALTH	4731 MERLE HAY RD	B Beer
(K)	PAL JOEYS	6224 GRAND AVE	C Liquor
(L)	SUDS ON 2ND	2801 2ND AVE	C Liquor
(M)	TNT VIETNAMESE RESTAURANT	3452 M. L. KING JR PKWY	B Beer
(N)	TOBACCO OUTLET PLUS #510	3409 SW 9TH ST	C Beer

5. Consideration of Class C Liquor License for Carls Place, 1620 Woodland Avenue. (Deferred from June 20, 2005 Council Meeting).
6. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

7. Resolution Ordering Construction of the following:
- (A) Riverwalk Civic Gardens – Receiving of Bids, (8-30-05), and Setting Date of Hearing, (9-12-05). (Construction Estimate - \$1,230,000).
 - (B) 2005 Park and Cemetery HMA Improvements – Receiving of Bids, (8-30-05), and Setting Date of Hearing, (9-12-05). (Construction Estimate - \$271,710).
 - (C) Cownie Soccer Complex Maintenance Facility Addition – Receiving of Bids, (8-30-05), and Setting Date of Hearing, (9-12-05). (Construction Estimate - \$160,000).
 - (D) Flagg Parkway Floodgate Sill Replacement – Receiving of Bids, (8-30-05), and Setting Date of Hearing, (9-12-05). (Construction Estimate - \$30,679.80).

8. Approving Professional Services Agreement with Stanley Consultants, Inc. for design and construction services of Crawford Creek Box Culvert, not to exceed \$489,290.69.

(Council Communication No. 05-436)

9. Approving Change Order No. 1 with Christensen Bros., Inc. for additional work on the SW 9th Street Viaduct Over M.L. King Jr. Parkway and Railroad Bridge Rehabilitation, not to exceed \$20,000.

(Council Communication No. 05-440)

10. Approving Private Construction Contract between Manatts, Inc. and Silver Oak, Inc. for Paving Improvements in Carman Estates Plat 5.

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

- (A) Manatts, Inc. and Jerry's Homes for Street Paving Improvements to serve the new development Carman Estates Townhomes, located at Indianola Avenue and Hart Avenue.
- (B) McAninch Corporation and Silver Oak LLC for Sanitary Sewer Improvements to serve the new development Carman Estates Townhomes, located at Indianola Avenue and Hart Avenue.
- (C) McAninch Corporation and Silver Oak LLC for Storm Sewer Improvements to serve the new development Carman Estates Townhomes, located at Indianola Avenue and Hart Avenue.
- (D) Eco-Tech Construction, LLC and Brook Run, LC for Street Improvements for paving Village Run Avenue from Brook Ridge Court to dead end east, Brook Run Village Plat 2.
- (E) McAninch Corporation and Brook Run, LC for Sanitary Sewer Improvements in the Brook Run Villas South Development at 5221 Village Run Avenue.
- (F) Nuckolls Concrete Services, Inc. and Hurd Real Estate Services, Inc. for Street Improvements, right turn lane to serve Community State Bank, located at 4811 SE 14th Street.
- (G) Excavators, Inc. and Hurd Real Estate Services, Inc. for Sanitary Sewer Improvements in Southglen Village to serve Integra Health Clinic, located at 7481 Highway 69.

- (H) Excavators, Inc. and Hurd Real Estate Services, Inc. for Sanitary and Storm Sewer Improvements to serve Community State Bank, located at 4811 SE 14th Street.
 - (I) Corell Contractor, Inc. and Ladco Development, Inc. for Sanitary and Storm Sewer Improvements to serve Highland Park Family Physicians Clinic, located at 1550 E. Euclid Avenue.
 - (J) McAninch Corporation and Frisbee Park, LC for Sanitary Sewer Improvements to serve the new development, Frisbee Park Townhomes, located at 59th Street and North Valley Drive.
 - (K) Manatts, Inc. and Jerry's Homes for Paving Improvements in the new development, Hillsboro Phase 3, located at Indianola Road and East Southdale Drive.
 - (L) Manatts, Inc. and Jerry's Homes for Storm Sewer Improvements in the new development, Hillsboro Phase 3, located at Indianola Road and East Southdale Drive.
12. Rescinding previous Private Construction Contract for storm sewer improvements in Park Place Estates, (roll call 03-2464).
13. Approving completed construction and final payment to the following:
- (A) T K Concrete Inc. for 2004 Sidewalk Replacement Program.
 - (B) T K Concrete Inc. for 2004 Sidewalk Replacement Program – Designated Neighborhoods.
14. Iowa Department of Transportation Preconstruction Agreement for I-235 Reconstruction-Cottage Grove easterly to the Des Moines River.

[\(Council Communication No. 05-437\)](#)

15. Approving applications to the Iowa Department of Transportation for Congestion Mitigation and Air Quality Improvement (CMAQ) funds for the following projects:
- (A) East University Avenue Traffic Signal Interconnect Upgrade.
 - (B) East 14th Street Widening Project at Hull/Grandview Avenue.

[\(Council Communication No. 05-439\)](#)

SPECIAL ASSESSMENTS

16. Approving levying assessments for costs of Nuisance Abatement- NAC Emergency Orders (Community Development) for Schedule No. 2005-10.
17. Approving deletion of NAC – Emergency Assessments at various locations.
18. Approving delinquent sewer rental and/or solid waste/stormwater utility fees for July 2005.
19. Authorize execution of one petition and waiver form for paving or curb replacement program/request to repair driveway.

LAND/PROPERTY TRANSACTIONS

20. Real Estate documents for property at 4874 SW 56th Street, for the Airport Runway 13R/31L Project, \$ 158,000 plus closing costs.
21. Real Estate documents for property at 2532 Sampson Street, for the East 16th/East Sheridan StormWater Improvement Project, \$2,800 plus closing costs.
22. Real Estate documents for property in the vicinity of SE 6th Street and Maury Street, closing costs only.
23. Real Estate documents for property located at 2822 E. 35th Street for the Gay Lea Wilson Recreational Trail Project.
24. Approving final subdivision plat entitled Norah Grace Park between SW 4th and SW 5th Streets, south of Wall Avenue.

[\(Council Communication No. 05-447\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

25. Recommendation of Mayor Frank Cownie to appoint the following:
 - (A) Jason Wahlsmith to Seat #1 on the Des Moines Music Commission, expiring July 1, 2008.
 - (B) Mark Dinges to Seat #10 on the Access Advisory Board, four-year term commencing June 15, 2003, expiring June 15, 2007.
26. Recommendation of Council Member Archie Brooks to appoint Clarence Key, Jr. to Seat # 7 on the Des Moines Music Commission, expiring September 1, 2007.
27. Recommendation of Council Member Christine Hensley to appoint Tom Zmolek to Seat # 6 on the Des Moines Music Commission, expiring July 1, 2007.
28. Recommendation of Council Member At-Large Michael Kiernan to appoint the following:
 - (A) Randy Tinker to Seat # 2 on the Licensing and Appeals Board, three-year term commencing April 1, 2004 to expire April 1, 2007.
 - (B) Philip Janes to Seat #4 on the Park & Recreation Board, four-year term to expire on June 30, 2007.
 - (C) Justin J. Gross to Seat #12 on the Neighborhood Revitalization Board, three-year term commencing June 30, 2005 to expire on June 30, 2008.
29. NUMBER NOT USED.
30. Attendance Reports for the various City Boards and Commissions for 2004 and the first six months of 2005.

SETTING DATE OF HEARINGS

31. On vacating the portion of 14th 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 13th and 15th Streets, (8-22-05).
32. On conveyance of 749 E. University Avenue to Kevin L. and Keri K. Sakalinh, \$750, (8-22-05).

[\(Council Communication No. 05-441\)](#)
33. On proposed designation of Roosevelt, Historic East Village and Court Avenue Districts as Cultural and Entertainment Districts, (8-22-05).

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

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 34. Approving payment of \$25,870.60 to Ahlers & Cooney, P.C. for bond counsel services.
- 35. Approving payment of \$ 1,028.80 to Myers & Jenkins for representation of City in the ATA Holdings Corporation bankruptcy and UAL Corporation bankruptcy, and payment of \$2.40 to Tishler & Wald, Ltd. for representation of the City in the UAL Corporation bankruptcy, (Total \$1,031.20).
- 36. Approving payment of \$2,384.50 to Hansen, McClintock & Riley for representation of Ron Wakeham in Barbara A. Rodgers v. City of Des Moines, et al.
- 37. Approving payment of \$200,000 to former employee, James Kernes for workers compensation claim for a permanent injury.

CITY MANAGER COMMUNICATIONS

- 38. Submitting traffic regulation changes as follows:
 - (A) Corner clearance-south side of Indiana Avenue, west of 2nd Avenue.
 - (B) Parking restriction-east side of South Union Street from E. Dunham Avenue to E. Edison Avenue.
[\(Council Communication No. 05-438\)](#)
- 39. Submitting out-of-state travel requests for Vincent Valdez, Tom Vlassis, Dan Gilliant, Donald Tripp, Suzette Jensen, and Phillip Vorlander.
[\(Council Communication No. 05-426\)](#)

APPROVING

- 40. Reallocation of \$160,000 of 2005 CBDG Funding from Anawim Housing’s Acquisition/Rehabilitation of Des Moines Municipal Housing Agency Units to the Engineering Department for the 2005 Demolition Program.
[\(Council Communication No. 05-430\)](#)
- 41. City Predevelopment Loan, not to exceed \$11,432.50 for proposed renovations to 315 E. 5th Street to Allan H. Johnson and Scott E. Johnson, DBA 311, L.L.C.
[\(Council Communication No. 05-432\)](#)

42. Employment of Ferguson Group to consult and perform services to facilitate transportation, economic development, community revitalization, homeland security and related projects in the City with a contract period of July 1, 2005 through December 31, 2005.

[\(Council Communication No. 05-434\)](#)

43. Request for 2005 Tax Sale Certificates on various vacant lots and authorizing City Manager to solicit proposals for development of housing on the lots.

[\(Council Communication No. 05-443\)](#)

44. Council initiated vacation and rezoning of north/south alley and authorizing City Manager to negotiate an agreement with Curley Top, LLC for acquisition of the eastern half of the block between SW 1st and SW 2nd Streets between Dunham and Granger Streets, subject to conditions.

45. Agreement with Iowa State University Center for Transportation Research and Education (CTRE) for Iowa Pavement Management Program (IPMP) Data Collection and Geographic Information System (GIS) Database, not to exceed \$40,000.

[\(Council Communication No. 05-429\)](#)

46. Agreement with Iowa Department of Transportation for Capital Improvements at the Des Moines International Airport, \$567,927.

47. Federal Aviation Administration Certification of Title for properties at 4720 Fleur, 4901 Fleur, and 4911 Fleur Drive.

[\(Council Communication No. 05-451\)](#)

48. Unified Planning Work Program and Budget submitted by Metropolitan Planning Organization (MPO) for fiscal year 2005-2006, beginning July 1, 2005.

49. Lease Agreement with State Fair Board for parking of trailers on City property at 705 SE 30th Street from August 8-24, 2005.

[\(Council Communication No. 05-428\)](#)

50. Implementation of the National Incident Management System in the City of Des Moines.

[\(Council Communication No. 05-433\)](#)

51. Communication from Downtown Community Alliance requesting approval on behalf of Meredith Corporation to approve banner design for seven banners in downtown on Locust during fall 2005.

52. Use of various City Facilities as poll sites for precincts 31, 36, and 83 for the School Election to be held on Tuesday, September 13, 2005.

53. Civil Service Entrance Lists for Senior Public Safety Dispatcher, Aviation Fabricator/Welder, Economic Development Coordinator and Public Safety RMS Administrator.

54. Request for Proposals (RFP) to secure professional services for the development of the Indianola Avenue Connector Land Use and Redevelopment Plan.

(Council Communication No. 05-444)

55. Bid from Sirchie Finger Print Labs for surveillance van equipment and installation to be used by Criminal Investigation Division, \$70,222. (Seven bids mailed, two received).

(Council Communication No. 05-427)

56. Authorizing Finance Director to draw checks on the registers of August 11, 2005 and August 18, 2005; and to draw checks for bills of the Des Moines Municipal Housing agency for the weeks of August 8, 2005 and August 15, 2005; and to draw checks for biweekly payroll due August 19, 2005.

ORDINANCES - FINAL CONSIDERATION

57. Amending Chapter 46 of the Municipal Code, adopting the 2003 International Fire Code.

58. Vacation of air rights over east/west alley adjoining 112-11th Street.

ORDINANCES - SECOND CONSIDERATION

59. Vacating the east/west alley between University Avenue and Drake Park Avenue from the north/south alley to 24th Street.

(A) Final consideration of ordinance above (waiver requested by applicant) requires six votes.

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

ORDINANCES - FIRST CONSIDERATION

60. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) Corner Clearance-South side of Ingersoll Avenue, east of 31st Street.
 - (B) Corner Clearance-North side of Ingersoll Avenue, east of 34th Street.
 - (C) Corner Clearance-West side of 22nd Street, south of University Avenue.
 - (D) Corner Clearance-East side of 24th Street, north of Clark Street.
 - (E) Corner Clearance-South side of College Avenue, west of 24th Street.
 - (F) Corner Clearance-North side of College Avenue, east of 24th Street.
 - (G) Corner Clearance-East side of 24th Street, south of College Avenue.
 - (H) Corner Clearance-West side of 24th Street, north of College Avenue.
 - (I) Corner Clearance-West side of 28th Street, south of College Avenue.
 - (J) Corner Clearance-East side of 29th Street, south of Clark Street.
 - (K) Corner Clearance-East side of 23rd Street, north and south of Clark Street.
 - (L) Corner Clearance-South side of Allison Avenue, east and west of 27th Street.
 - (M) Corner Clearance-East side of 24th Street, north and south of 24th Drive.
 - (N) Corner Clearance-South side of Wrenwood Drive, west of 26th Street.
 - (O) Corner Clearance-East side of SE 4th Street, north and south of Raccoon Street.
61. Amending Chapter 26 of the Municipal Code, regarding size and appointments to the Power Engineer's Examining Board.
62. Amending Chapter 42 of the Municipal Code 42 of the Municipal Code, regarding size and appointments to the Citizen Odor Board.

63. 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.

[\(Council Communication No. 05-435\)](#)

64. 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.

COMMUNICATIONS/REPORTS

65. Presentation by the Youth Advisory Board submitting their FY 2006 Strategic Action Plan.
66. From James Contino, 300 Hull Avenue, requesting to speak regarding the corner of Hull Avenue and Cornell, and noise control.
67. From Amber Sieren, 4143 11th Street, requesting to speak regarding Police False Alarms.

HEARINGS (OPEN AT _____ P.M.) (ITEMS 68 THRU 77)

68. On request from High Land Company, LC, to rezone property at 2019 Ingersoll Avenue, from "C-2" (General Retail and Highway Oriented Commercial) and "C-3A" (Central Business District Support Commercial) to Limited "NPC" (Neighborhood Pedestrian Commercial).
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above (waiver requested by applicant) requires six votes.
69. On request from Luther Care Services to rezone property located at 2909, 2911, and 2722 East 16th Street from "R1-60" (One-Family Low Density Residential) to "PUD" (Planned Unit Development) and 2nd Amendment to Luther Park PUD Conceptual Plan:
 - (A) Recommendation from Plan & Zoning Commission for approval of Amendment to the 2020 Community Character Plan.
 - (B) Hearing on rezoning.
 - (C) First consideration of ordinance above.
 - (D) Final consideration of ordinance above (waiver requested by applicant) requires six votes.

70. On request from Drake University, to rezone property in vicinity of 1500 27th Street and vicinity of 2806 Clark Street from “R1-60” (One-Family Low Density Residential) to Limited “R-3” (Multiple-Family Residential):
- (A) Recommendation from Plan & Zoning Commission for approval of Amendment to the 2020 Community Character Plan.
 - (B) Hearing on rezoning.
 - (C) First consideration of ordinance above.
 - (D) Final consideration of ordinance above (waiver requested by applicant) requires six votes.
71. On request from Andy Holt to rezone property in vicinity of 4180 NE 43rd Court and generally south of intersection of Hubbell Avenue and NE 43rd Court from “A-1” (Agricultural) and “C-2” (General Retail and Highway Oriented Commercial) to “R1-80” (One-Family Residential) and Limited “C-2” (General Retail and Highway Oriented Commercial):
- (A) Recommendation from Plan & Zoning Commission for approval of Amendment to the 2020 Community Character Plan.
 - (B) Hearing on rezoning.
 - (C) First consideration of ordinance above.
 - (D) Final consideration of ordinance above (waiver requested by applicant) requires six votes.
72. On request from Eastgate Plaza L.L.C. to amend existing Eastgate Plaza “PUD” Conceptual Plan for property in vicinity of 1546 East Euclid Avenue.
73. On Voluntary Annexation of the Delaware Elementary School site, 4401 NE 46th Street.
74. On Fire Station Numbers 3, 5, and 9 Reroofing: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Academy Roofing & Sheet Metal Co., (John McDermott, President/Owner), \$130,000.
- (A) Approving contract and bond and permission to sublet.

75. On E. 16th Street and E. Sheridan Avenue Storm Sewer Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Sheets Excavating, Ltd., (Charles Sheets, Owner), \$368,939.35.

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

76. On Central Place Pump Stations Trash Rack Replacement: 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), \$348,200.

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

77. On Greenwood Park Rose Garden Walk: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Concrete, Ltd., (Timothy A Talley, Sr., President), \$28,561.60.

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

*** END HEARINGS AT _____ PM ***

APPROVING

78. Contract amendment with EMC National Life Company for group and supplemental life insurance to include coverage for Polk County Employees.

[\(Council Communication No. 05-445\)](#)

79. First Amendment to the Development Agreement with Court Avenue Partners I, L.P. for Court Avenue Apartments, rehabilitation of the Spaghetti Works Building, 308 Court Avenue.

[\(Council Communication No. 05-448\)](#)

80. City Manager recommendation to solicit developer interest for City-owned property, south of Court Avenue between 4th Street and 5th Street (portion of Metro Center Urban Renewal Project).

[\(Council Communication No. 05-450\)](#)

81. City Manager recommendation regarding Streetscape Improvements for the Court Avenue District.

[\(Council Communication No. 05-449\)](#)

82. Banking and Custodial Services Contract with Bankers Trust Company.

[\(Council Communication No. 05-431\)](#)

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) 1620 Arlington Avenue, Titleholders: Edward Moss and Susan Moss.
 - (B) 1806 Arlington Avenue (garage), Titleholders: Duane Sonderleiter and Traci Sonderleiter; Mortgage Holder: State Federal Savings & Loan Association of Des Moines.
 - (C) 1110 Clark Street, Titleholder: Robb Spearman, LLC.
 - (D) 2906 Des Moines Street, Titleholder: First National Acceptance Company.
 - (E) 809 SE 7th Street, Titleholder: Richard D. Pipho d/b/a Transtar Properties.
 - (F) 1243 9th Street, Titleholder: DLJ Mortgage Capitol REO, LLC.
 - (G) 1144 17th Street, Titleholders: Richard L. Meyers and Deanna S. Meyers; Mortgage Holder: U.S. Bank National Association.
 - (H) 911 25th Street, Titleholders: Alvin J. Kephart and Sandra K. Kephart; Mortgage Holders: Cash Credit Corporation and Mortgage Electronic Registration Systems, Inc.

2. The Engineering Department to cause the removal of the following structures:
 - (A) 3012 Carr Street (foundation), Titleholder: Andrea J. Warburton.
 - (B) 501 Kirkwood Avenue, Titleholder: Lori A. Leeper; Mortgage Holders: Wells Fargo Bank Iowa, N.A. and Wells Fargo Financial Bank.
 - (C) 1420 E. 21st Street, Titleholder: John Davis d/b/a Tax 216 and Christine Frank d/b/a Tax 216.

3. The release of the following fire escrow accounts:
 - (A) The demolition cost reserve held by EMC Insurance Companies, under claim number AF40-Z00 193 722 regarding the property located at 1654 Dean Avenue insured by Donald Baldwin.
 - (B) The demolition cost reserve held by Allied Insurance, under claim number 14R23398 regarding the property located at 1517 E. Court Avenue, insured by James Boozell.

- (C) The demolition cost reserve held by Allied Insurance, under claim number 14R20934 regarding the property located at 1019 West Street insured, by Jennifer Zepeda.
- (D) The demolition cost reserve held by Allied Insurance, under claim number 14R33618 regarding the property located at 1319 E. 12th Street, insured by Robert Smith.
- (E) The demolition cost reserved held by Illinois Iowa Clam Service, under claim number 751-6413 regarding the property located at 1434 16th Street, insured by Wanda Smith.

COMMUNICATION

- 4. Communication regarding demolition cost reserve being held by Allied Insurance for the fire-damaged garage located at 2720 Logan Avenue.

MOTION TO ADJOURN AT _____ P.M.

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