

**DES MOINES CITY COUNCIL MEETING**

**December 2, 2002 4:30 P.M.**

**PROCLAMATIONS - 4:15 P.M.:**

- (a) Holiday Food Programs
- (b) Human Rights Month

**INVOCATION:** Rev. Craig Robertson, Grant Park Christian Church

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 39:

**LICENSES AND PERMITS:**

Approving

4. The following Beer/Liquor Applications:

**NEW APPLICATIONS**

- (1) El Rodeo #2, 1234 E Euclid Avenue, C Liquor.
- (2) Hull Avenue Tap, 834 E Hull Avenue, C Liquor.
- (3) Lori and Roys Place, 2301 Hubbell Avenue, C Liquor.

**RENEWAL APPLICATIONS**

- (4) Noodles Pasta and Sandwich Shop, 2924 SW 9th Street, B Beer.

- (5) Scruffys, 429 Grand Avenue, B Beer.
- (6) Citgo Gas Station, 4600 Fleur Drive, C Beer.
- (7) Kum & Go #60, 806 SE 14th Street, C Beer.
- (8) Buzzard Billy's, 100 Court Avenue, C Liquor.
- (9) Club Statik, 215 E 2nd Street, C Liquor.
- (10) Felix & Oscars, 4050 Merle Hay Rd., C Liquor.
- (11) Lift, 222 4th Street, C Liquor.
- (12) Skips, 4000 Fleur Drive, C Liquor.
- (13) Tumea and Sons, 1501 SE 1st Street, C Liquor.
- (14) Kum & Go #60, 806 SE 14th Street, B Wine.

5. Class "C" Beer, Class "B" Wine and Class "E" Liquor Licenses for Drake Liquor Store, 2106 Forest Avenue. (Deferred from September 23, 2002 Council Meeting).

6. City Clerk to issue Coin Operated Machine Licenses.

7. City Clerk to issue Cigarette Licenses.

## **PUBLIC IMPROVEMENTS**

8. Communication from Larson & Larson Construction, LLC, (Jeffrey Larson, President) for an extension of time of 50 days from completion date of December 5, 2002 for the East Locust Streetscape project.

[\(Council Communication No. 02-618\)](#)

9. Approving execution of Iowa Department of Transportation Agreements No. 2003-TS-012 and 2003-TS-013 for traffic signal improvements on Ingersoll Avenue at 28th, 31st, 35th and 42nd Streets.

[\(Council Communication No. 02-617\)](#)

10. Accepting completed construction and approving final payment of the following:

(A) 2002 ACC Pavement Milling and Resurfacing, \$337,003.90 is now due and \$40,180.08

remaining balance payable at the end of 30 days.

(B) 2002 Sanitary Sewer Televising Program, \$33,775.65 is now due and \$5,246.47 remaining balance payable at the end of 30 days.

(C) Durable Pavement Markings - 2002, \$1,901.90 is now due and \$3,804.09 remaining balance payable at the end of 30 days.

11. Approving private construction contract between Gator Excavating, Inc. (Kevin L. Henter, President, Contractor) and (Mark G. Holmes, Owner) for construction of storm sewer improvements for a storm sewer extension at 5133 Meadow Woods Circle, Brook Run Village, Plat 1, \$5,800.

### **LAND/PROPERTY TRANSACTIONS**

12. Establishing fair market value for a portion of property located at 5601 SW 9th Street in conjunction with the SW 9th widening at Porter Avenue Project, \$26,000 plus closing costs.

13. Approve and accept real estate documents for property located at 1601 Crocker Street, for the I-235 Day Street Sanitary Sewer Relocation Project, \$1.00 plus closing costs.

14. Approve and accept real estate documents for property located adjacent to 3301 East Euclid Avenue for the Gay Lea Wilson Recreational Trail Project, closing costs only.

15. Payment of Condemnation Appeal Award for the acquisition of 106 SW 16th Street for the Martin Luther King, Jr. Parkway Project, \$292,262.32 plus sheriff's fees and jury expenses.

### **CITY PLAN COMMISSION RECOMMENDATIONS**

16. Recommending approval of preliminary subdivision plat for Stanton Acres North, vicinity of Stanton Avenue and SW 33rd Street.

17. Recommending approval of preliminary subdivision plat for Carman Estates, vicinity of Indianola Avenue and E. Payton Avenue, subject to conditions.

18. Recommending approval of request from Charles W. Spotts for vacation and conveyance of 659.6' north/south alley, south of Scott Avenue between SE 27th Court and SE 28th Street, subject to retention of utilities easements.

### **SETTING DATE OF HEARINGS**

19. On request from Townsend Engineering Company, to rezone property at 2425 Hubbell Avenue from "R1-60" (One Family Low Density Residential) and "C-1" (Neighborhood Retail Commercial) and "M-1" (Light Industrial) to "PUD" (Planned Unit Development) along with approval of the Townsend Engineering PUD Concept Plan subject to revisions, (12-16-02).

20. On conveyance of property west of and adjoining 1916 E. 41st Street to Bonnie Boothroyd, \$2,500, (12-16-02).

[\(Council Communication No. 02-622\)](#)

21. On conveyance of property in the vicinity of 3301 E. Euclid Avenue to Hurd Real Estate Services as part of the consideration for property interests required for the Gay Lea Wilson Recreation Trail, (12-16-02).

**LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

22. Approving payment of \$1,683.75 to Nyemaster, Goode, McLaughlin, Voigts, West, Hansell & O'Brien, P.C. for services relating to collective bargaining.

23. Approving payment of \$13,025.02 to Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, L.L.P. for representation of the City in Merchants White Line Warehousing, Inc., Reppert Transfer and Storage Co., and Ackerman Auto Parts Co., Inc. v. City of Des Moines.

24. Approving payment of \$4,611.82 to Duncan, Green, Brown, Langeness & Eckley for representation of City in matters relating to the airport parking garages.

25. Approving settlements made by the City Attorney not exceeding \$5,000.

**CITY MANAGER COMMUNICATIONS**

26. Submitting out-of-state travel request for Debora Hobbs.

[\(Council Communication No. 02-611\)](#)

27. Submitting various traffic regulations as follows:

(1) Corner Clearance--West Side of Lyndale, North of Hillcrest Drive.

(2) Rush Hour Parking Restriction--East Side of 5th Avenue North, of Grand Avenue.

[\(Council Communication No. 02-616\)](#)

**APPROVING**

28. Des Moines Action Loan to Vaudeville Mews, L.L.C., 214-4th Street; \$50,000.

[\(Council Communication No. 02-625\)](#)

29. Granting prior approval of tax abatement for the additional value to be added by construction of the Water Street Brownstones Condominiums and the Vine Street Lofts Apartments.

30. Financing documents for the Water Street Brownstones Condominium Project.

31. Thirty-day written notice of termination of Porter and Associates Agreement for Des Moines Parks advertising and public relations services.

[\(Council Communication No. 02-623\)](#)

32. First Amendment to the 28E Agreement with the Friends of the Des Moines Botanical Center, regarding control of funds and continued support of the Greater Des Moines Community Foundation, \$579,936.

[\(Council Communication No. 02-621\)](#)

33. Fifth Amendment to the 28E Agreement between the City of Des Moines and the Blank Park Zoo Foundation to extend current Agreement until July 21, 2003 to allow adequate time to negotiate a new agreement.

[\(Council Communication No. 02-624\)](#)

34. Transportation Agreement with the State of Iowa and the United States for an ambulance service provided by the Des Moines Fire Department for emergency patient transportation.

35. Request for Proposal (RFP) to provide comprehensive, occupational health care services to the City.

[\(Council Communication No. 02-619\)](#)

36. Authorizing the Finance, Human Resources and Purchasing Departments to issue an RFP for consultant vendors to assist with the PeopleSoft upgrade of Financial, Accounting and Human Resources/Payroll Software system.

[\(Council Communication No. 02-610\)](#)

37. Bids for the Following:

(A) Adams Door Company, (Butch Bain, President) for overhead door replacement at Fire Stations 7 and 9, \$26,305. (Four bids received).

(B) Great American Outdoor, (Don Van Houweling, President) for an agricultural tractor and disc to be used by the Wastewater Reclamation Facility, \$152,494. (Eleven bids mailed, two bids received).

38. Authorizing the Finance Director to draw checks on the registers of December 6 and December 13, 2002; for the bills of the Municipal Housing Agency for the weeks of December 2 and December 9, 2002; for biweekly payroll due employees on December 13, 2002.

39. NUMBER NOT USED.

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

**ORDINANCES - FIRST CONSIDERATION**

40. Amending Chapter 114 of the Municipal Code regarding traffic regulations as follows:

(1) Petition to Restrict Parking--Both Sides of Morton Avenue from Idaho Street east to the Dead End.

(2) Loading Zone--West Side of 38th Street, North of Ingersoll Avenue.

**COMMUNICATIONS/REPORTS**

41. From Virgil Moore, 1815 Park Avenue, regarding purchase of City owned property, North and West of Hartford Avenue and S.E. 19th Street.

42. From Lee Youde, 1721 East 12th Street, requesting approval to install permanent holiday lights over East 12th Street between Jefferson Avenue and Mattern Avenue.

43. From Dave Leach, 4110 SW 9th Street, regarding Mediacom Cable TV and public broadcasting.

44. From Steven Lathrop, 814 Lyon, regarding his property and the vacation of alley to the State for I-235 denying him access to his property.

**HEARINGS (Opened at \_\_\_\_\_ P.M.) (Items 45 and 46)**

45. On Urban Renewal Agreement for sale of land for private redevelopment, (Parcels 01-04A&B / Metro Center Urban Renewal Area), 1200 Grand, to the John and Mary Pappajohn Higher Education Center Foundation.

(A) Approving Conceptual Development Plan.

[\(Council Communication No. 02-613\)](#)

46. On 2002 Sewer Relining Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Visu-Sewer Clean & Seal, Inc., (Keith M. Alexander, President, Pewaukee, WI), \$1,189,020.75.

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

\* \* END HEARINGS at \_\_\_\_\_ P.M. \* \*

### **CITY MANAGER RECOMMENDATIONS**

47. Communication from City Manager on Tax Increment Needs for FY 2003/2004, \$17,689,307.

[\(Council Communication No. 02-614\)](#)

### **APPROVING**

48. Recommendation from City Manager regarding appointment of Fire Chief.

49. Various items regarding the Science Center of Iowa Project, (400 West Martin Luther King Jr. Parkway):

(A) Approving contract for underground high voltage lines.

(B) Approving contract for archaeological services.

(C) Approving Concept for parking provision.

(D) Approving First Amendment to contract to amend terms required for conveyance of land and to provide reversion of the land to the City if design and building permits items are not completed by June 2003.

(E) Approving evidence of financing and authorizing execution of deed.

(F) Setting Date of Hearing on sale of 26 ft. strip of property between SW 3rd and SW 4th Streets to construct necessary paved drive improvements, (12-16-02).

[\(Council Communication No. 02-615\)](#)

50. Request of John Ruan III for a \$400,000, twenty-month loan for the Fleur Drive Beautification Project.

(Council Communication No. 02-626)

51. RFP to provide a review and analysis of the City Health Plan for Employees and Retirees.

[\(Council Communication No. 02-612\)](#)

52. Amending various sections of the Municipal Code regarding fees and fee schedules, (list will be available on Wednesday 11-27 at 5:00 PM)

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## **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.**

## **A G E N D A**

### **BOARD OF HEALTH December 2, 2002**

#### **MOTION TO CONVENE**

#### **AUTHORIZING**

1. Court authority to abate the public nuisances at the following locations:

(A) 1602 Dean Avenue (vacant) Titleholder: Lab Investment Company, Inc., Attn: Stephen A. Lipovac, Registered Agent; and Contract Buyer: Shirley A. Winston a/k/a Shirley A. Johnson.

(B) NUMBER NOT USED.

(C) 1300 Rittenhouse (vacant) Titleholders: Heirs of Lillian L. Jones: Carl E. Jones and Jean A. Jones.

(D) 1438 University Avenue (vacant) Titleholders: Bryan H. Pham and Amy H. Nguyen; and Legal Interest Holders: Tax 123, Attn: Dennis Blume.

(E) 1520 E. University Avenue (vacant) Titleholder: Robert Daniels d/b/a Farris Properties, L.C.; and Contract Buyer: Zeferino Maceda.

(F) 3116 E. 8th Street (vacant) Titleholder: Kelly T. Evans and Contract Buyer: James Danaher.

(G) 4411 SE 14th Street, Trailer 44 (occupied) Titleholder: Linda Forget, Trustee for the Forget



Family Trust, Norman Forget, Trustee for the Forget Family Trust, and Arnold Forget, Trustee for the Forget Family Trust; Titleholder of Trailer: Aralecy Ocon and Alfredo Neri; and Legal Interest Holders: Tax 62, Attn: John Zajicek, and Bank of America f/k/a Nationsbanc f/k/a Boatmen's Bank of Urbandale f/k/a First Interstate Bank of Urbandale, Attn: CT Corporation System, Registered Agent.

(H) 1708 SE 38th Street (vacant) Titleholders: David D. Lohner and Karen M. Jones; and Contract Buyers: Randy and Marsha Witless.

2. The Engineering Department to remove the following structures:

(A) 1120 - 21st Street, Titleholder: Robert Evans

(B) 2100 E. Walnut, Titleholder: All Lots, LLC.

3. Release of demolition cost reserve escrowed under claim number 14P92015 regarding property known as 1322 Creston Avenue owned by James Nelson.

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

*Des Moines - City of Skywalks*

## **CITY COUNCIL WORKSHOP MEETING SCHEDULE**

**7:30 - 9:00 AM**

**City Council Chambers**

December 4, 2002

December 11, 2002

December 18, 2002