

DES MOINES CITY COUNCIL MEETING

April 25, 2005 4:30 P.M.

PROCLAMATIONS – 4:00 P.M.

International Association of Administrative Professionals
Iowa Asian Alliance
Vietnam Veterans Recognition Week
Arbor Day
Ms. Wheelchair Iowa

INVOCATION: Father Peter Cade
St. George Greek Orthodox 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 57:

LICENSES AND PERMITS

4. Approving the following alcoholic beverage applications:

NEW APPLICATION

(A)	SHOP N SAVE #3	1829 6TH AVE	C Beer
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RENEWAL APPLICATIONS

(B)	DEPOT Beer	3000 E GRAND AVE	B
(C)	DES MOINES YACHT CLUB Liquor	2617 INGERSOLL AVE	C

(D)	GIT N GO STORE #3	100 WATROUS AVE	C Beer
(E)	LAST STOP BEVERAGE SHOP Liquor	2839 E UNIVERSITY AVE	E
(F)	LEFTYS PLACE Liquor	509 E 25TH STREET	C
(G)	MANDARIN RESTAURANT Liquor	3520 BEAVER AVE	C
(H)	OLYMPIC FLAME RESTAURANT Beer/Wine	514 E GRAND AVE	C
(I)	SCORNOVACCAS PIZZA Liquor	1930 SE 14TH ST	C

5. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

6. Resolution Ordering Construction of Skywalk Bridges 8C-8D and 8DA at Wells Fargo Building – Receiving of Bids, (5-17-05), and Setting Date of Hearing, (5-23-05). (Construction Estimate - \$780,000).
7. Approving Iowa Department of Transportation Agreement for 38th Street and Douglas Avenue Traffic Signal Installation.

[\(Council Communication No. 05-222\)](#)

- (A) Resolution Ordering Construction – Receiving of Bids, (5-10-05), and Setting Date of Hearing, (5-23-05). (Construction Estimate - \$93,000).
8. Rescinding award of contract to T. Peters, L.L.C. for Blank Park Zoo Sidewalk Replacement and approving contract and bond for P.G. Construction, Inc.
9. Approving Private Construction Contract for the following:
 - (A) McAninch Corporation and Three Lakes Townhomes, L.C. for sanitary sewer improvements in Three Lakes Estates Plat 7.
 - (B) McAninch Corporation and Three Lakes Townhomes, L.C. for storm sewer improvements in Three Lakes Estates Plat 7.
 - (C) McAninch Corporation and Three Lakes Townhomes, L.C. for sanitary sewer improvements in Three Lakes Estates Plat 8.

- (D) Nuckolls Concrete Services, Inc. and Sterling Trace Development, L.C. for street improvements in Sterling Trace Plat 1.
 - (E) Eco-Tech Construction, LLC and Brook Run, LC for street improvements in Brook Run Village Plats 13, 14 and 15.
 - (F) McAninch Corporation and Brook Run, L.C. for sanitary sewer improvements in Brook Run Village Plats 13, 14 and 15.
 - (G) McAninch Corporation and Brook Run, L.C. for storm sewer improvements in Brook Run Village Plats 13, 14 and 15.
 - (H) Sternquist and Fleur Properties, L.C. for paving in Airport Crossroads Subdivision.
10. Approving completion and recommending acceptance for Westchester Park Playground Improvements – Phase 2 – Johnson Concrete & Petroleum Construction Inc.

SPECIAL ASSESSMENTS

11. Approving levying assessments for cost of Nuisance Abatement – NAC Emergency Orders (Community Development):
- (A) Schedule No. 2005-04.
 - (B) Schedule No. 2005-52.
12. Approving levying assessments for costs of Nuisance Abatement – 2004 Sidewalk Repair Program, Schedule No. 2005-33.
13. Approving deletion of NAC-Emergency Assessments at various locations.

LAND/PROPERTY TRANSACTIONS

14. Real estate documents for property for Corps of Engineers Partnership Project, closing costs only.

15. Real estate documents for property for the American Discovery Trail Project-Walnut Creek Segment, \$10,000 plus closing costs.
16. Real estate documents for property at 3501 E. 14th Street and 1424 E. Ovid Avenue for the East 14th Street-East Ovid Avenue to East Euclid Sanitary Sewer Project, \$1 plus closing costs.
17. Real estate documents for property at 1557 E. Sheridan Avenue for East 16th Street and East Sheridan Avenue Storm Water Improvements Project, \$6,110 plus closing costs.
18. Real estate documents for property at 36 30th Street and 7 Lincoln Place Drive for the 2004 Paving Program Projects, \$4,600 plus closing costs.
19. Authorization to proceed with acquisition of right-of-way and easements for the SE Connector Project from SW 2nd Street to SE 14th Street.

BOARDS/COMMISSIONS/NEIGHBORHOODS

20. Recommendation of Mayor Frank Cownie to reappoint Joseph Quinn (Seat 5) on the Civil Service Commission for a four-year term commencing April 4, 2005 to expire April 4, 2009.
21. Communication from the Access Advisory Board regarding resignation of Ivan Butler, (Seat 1), effective immediately.
22. Communication from Polly Fortune advising of her resignation from the Greater Des Moines Sister City Commission, (Seat 6), effective June 30, 2005.

COMMUNICATIONS FROM PLANNING AND ZONING

23. Regarding request from Mark Cowell for vacation and conveyance of a segment of Bridal Row running northwest of 15th Street between Woodland Avenue and Pleasant Street, subject to conditions.

SETTING DATE OF HEARINGS

24. On vacation and sale of a strip of vacated 62nd Street right-of-way between Grand Avenue and Walnut Hill Drive, to System Capital Real Property Corporation, \$5,700, (to correct an error in the legal description on Roll Call 01-3078), (5-9-05).
25. On request from Jose Gonzalez to rezone property at 2009 Clark Street and 1510 M.L. King Jr. Parkway from “C-O” (Commercial Residential) to “C-1” (Neighborhood Retail) to allow site to be occupied as a bakery with retail component, (5-9-05).
26. On request from Randall Thompson to rezone property at 2711 Douglas Avenue from “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway Oriented Commercial) to bring overall property under common zoning, (5-9-05).
27. On request from Jorge Morales to rezone property at 2218 E. 9th Street from “C-1” (Neighborhood Retail Commercial) to Limited “C-2” (General Retail and Highway Oriented Commercial) to allow a garage for general motor vehicle repair, **recommendation from Plan and Zoning to deny**, (5-9-05).

[\(Council Communication No. 05-216\)](#)

28. On request from H & C Development LLC to amend the Meredith Village Townhomes PUD Concept Plan to allow enclosure on an existing deck addition to Building #4, (5-9-05).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

29. Approving payment of \$6,936.25 to Nyemaster, Goode, Voigts, West, Hansell & O’Brien, P.C. for consultation services in conjunction with collective bargaining and related matters.
30. Approving payment of \$866.74 to Sullivan & Ward, P.C. for assistance in matters pertaining to National Pollution Discharge Elimination System Permit.
31. Approving payment of \$32,272 to Jeffrey Sample for injury sustained during course and scope of employment.

32. Approving payment of \$18,500 to Angela Debrette Hunt for settlement of lawsuit.
33. Approving payment of \$80,000 to Christopher Streeter and his attorney for settlement of civil lawsuit.

CITY MANAGER COMMUNICATIONS

34. Submitting out-of-state travel requests for Garry Fuller, Jr., Eric A. Anderson, Bob Schulte, Allan Tunks, Michael West, Merrill Stanley and Jeffery Morton.

[\(Council Communication No. 05-210\)](#)

APPROVING

35. The following items:
 - (A) Home Investment Partnerships (HOME) carryover funding for 2005 Neighborhood Conservation Services (NCA) New Construction Program.

[\(Council Communication No. 05-212\)](#)

- (B) Renew Approval Forms of Agreement for HOME funds and authorize use of 2005 New Construction Program by Neighborhood Conservation Services (NCS) Division.

[\(Council Communication No. 05-213\)](#)

36. Contract with Iowa Department of Human Rights/Division of Community Action Agencies for weatherization assistance to low-income persons from April 1, 2005 to March 31, 2006.

37. Termination of loan to American Tire Distributors, Inc.

[\(Council Communication No. 05-214\)](#)

38. Receipt of Proposed Airport Board Regulation No. 05-49 regarding rate changes.

39. Receipt of City of Des Moines Financial Report for the nine months ended March 31, 2005.

[\(Council Communication No. 05-218\)](#)

40. Receipt of Quarterly Treasurer's Report as of March 31, 2005.
41. NUMBER NOT USED.
42. Agreement with Employee Assistance Program (Employee and Family Resources, Inc.) to provide assessment and referral counseling for City employees and family members.

[\(Council Communication No. 05-217\)](#)

43. Facility Use Agreement Amendment with Des Moines Community School District to extend the use of Douglas Elementary School for the period June 1, 2005 through July 31, 2006 for Fire Department drill school.

[\(Council Communication No. 05-229\)](#)

44. Third amendment to RCC Communications Consultant Agreement to locate and hire new Mobile Data System vendor.

[\(Council Communication No. 05-211\)](#)

45. Correction to resolution establishing Electric Franchise Fee.
46. Purchase and installation of Egyptian style plant containers by Neumann Brothers Inc. at parking garage between 8th and 9th Streets and Grand to Locust Avenues.

[\(Council Communication No. 05-225\)](#)

47. Intergovernmental 28E Agreement with City of West Des Moines for joint maintenance of joint boundary streets.

[\(Council Communication No. 05-227\)](#)

48. Bids from the following:
 - (A) Charles Gabus Ford for one 15,000 GVW truck to be used by the Sewer Maintenance Division of the Public Works Department, \$64,334.96. (Eleven bids mailed, four received).

- (B) O'Halloran International for one 56,000 GVW truck to be used by the Sewer Maintenance Division of the Public Works Department, \$89,679. (Seven bids mailed, three received).
 - (C) Spreitzer, Inc. for one heavy-duty rubber tired loader to be used by the Public Works Department, \$67,500. (Eight bids mailed, four received).
- 49. Receipt of the Legislative Update for the 80th Iowa General Assembly.
 - 50. Civil Service Entrance Lists for Engineering Technician and User Support Technician and Promotional Lists for Senior Police Officer and Fleet Service Master Mechanic.
 - 51. Authorizing Finance Director to draw checks on the registers of April 28, 2005 and May 5, 2005; and to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of April 25, 2005 and May 2, 2005; and to draw checks for biweekly payroll due April 29, 2005.

ORDINANCES - FINAL CONSIDERATION

- 52. Enacting new Sections 60-1 through 60-377 of the Municipal Code regarding neighborhood inspection rental code, real estate installment contract sales inspection and residential public nuisance code.
- 53. Amending Chapter 22 of the Municipal Code regarding powers and responsibilities of the Des Moines International Airport Board to establish Fair Market Value on Airport property acquisitions of \$10,000 or less.
- 54. Amending Chapter 118 of the Municipal Code regarding sanitary sewer fees.

ORDINANCES - SECOND CONSIDERATION

- 55. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Parking Restrictions to Facilitate New Drop-Off Postal Boxes—South Side of Grand Avenue between 14th Street and 15th Street.
- 56. Connection Fee Ordinance for Clover Hill Area Trunk Sewer System Benefited District.

57. To rezone property in the vicinity of 900 – 18th Street from “C-2” (General Retail and Highway-Oriented Commercial) to “R-3” (Multi-Family Residential), “RHD” (Residential Historic) and “NPC” (Neighborhood Pedestrian Commercial); and to rezone “RHD” (Residential Historic), “R-3” (Multi-Family Residential) and “R1-60” (One-Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial.)

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

ORDINANCES - FIRST CONSIDERATION

58. Amending Chapter 26 of the Municipal Code to adopt 2003 International Building Code, 2003 International Existing Building Code, portions of the 2003 International Residential Code, 2003 International Mechanical Code, 2003 International Fuel Gas Code, 2005 National Electric Code, 2003 Uniform Plumbing Code, and miscellaneous amendments and reorganization.

[\(Council Communication No. 05-219\)](#)

59. Amending Chapter 74 of the Municipal Code amending golf course green fees.

[\(Council Communication No. 05-223\)](#)

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

60. Amending Chapter 98 of the Municipal Code regarding additional definitions and charges for solid waste collection services.

[\(Council Communication No. 05-228\)](#)

61. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

- (A) Speed and One-Way Streets Code Update.
- (B) Prohibited/Limited Parking Code Update.
- (C) Parking Meter and Time Zones Code Update.
- (D) Miscellaneous Chapter 114 Sections Code Update.
- (E) Parking Time Restriction for Handicapped Parking Meter—500 Block of Locust Street.

- (F) Modification of Parking Restrictions—Vicinity of Iowa Events Center.
- (G) Convert Meter EG-511 from a Handicapped Parking Meter to a Standard Use Parking Meter.
- (H) Corner Clearance—North Side of Elizabeth Avenue, east of E. 22nd Street.
- (I) Stop Signs and Parking Restrictions—47th Street at Euclid Avenue.
- (J) Parking Restriction Modifications due to the Addition of a Left-Turn Lane near the Iowa Events Center—Crocker Street and 5th Avenue.

COMMUNICATIONS/REPORTS

- 62. Petition from property owners requesting paving on Maine Street from University Avenue to Indiana Avenue.

HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 63 THRU 72)

- 63. On appeal from Mercy Bales, 826 Livingston, of the Administrative Hearing Officer's decision regarding her 3 dogs.
- 64. On Lease of property at 1202 and 1300 Scott Avenue to State of Iowa, Iowa Department of Administrative Services.

[\(Council Communication No. 05-224\)](#)

- 65. On request from Walden Point, L.P. to rezone 1223 5th Avenue from "R1-80" (One-Family Low-Density Residential) to "PUD" (Planned Unit Development) and amend the PUD Concept Plan for Walden Point at 1200 4th Street.
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
- 66. On vacation and sale of north/south alley between SE 15th Street and SE 15th Court from Maury Street to Shaw Street to Dale H. Jones, \$2,310 and Charles Koenigs, \$2,090.

[\(Council Communication No. 05-221\)](#)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

67. Items regarding General Obligation Bond Proposals:

- (A) On \$18,755,000 (for Essential Corporate Purposes).
 - (1) Authorization for additional action.
- (B) On \$12,760,000 (for Essential Corporate Purposes).
 - (1) Authorization for additional action.
- (C) On \$3,085,000 (for Essential Corporate Purposes).
 - (1) Authorization for additional action.
- (D) On \$1,000,000 (for General Corporate Purposes).
 - (1) Authorization for additional action.
- (E) On \$1,000,000 (for General Corporate Purposes).
 - (1) Authorization for additional action.
- (F) On \$950,000 (for General Corporate Purposes).
 - (1) Authorization for additional action.
- (G) On \$790,000 (for General Corporate Purposes).
 - (1) Authorization for additional action.
- (H) On \$1,000,000 (for General Corporate Purposes).
 - (1) Authorization for additional action.
- (I) On \$970,000 (for General Corporate Purposes).
 - (1) Authorization for additional action.
- (J) On \$800,000 (for General Corporate Purposes).

- (1) Authorization for additional action.
- (K) On \$950,000 (for General Corporate Purposes).
 - (1) Authorization for additional action.
- (L) On \$700,000 (for General Corporate Purposes).
 - (1) Authorization for additional action.
- (M) Issuance of the Preliminary Official Statement and directing advertisement for sale of three series of General Obligations Bonds, \$42,750,000, (bonds will be sold on May 11 at 11:00 AM, special Council meeting will be held on May 11 at 4:00 PM).

[\(Council Communication No. 05-215\)](#)

- 68. On 2005 Sanitary Sewer Repair Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as C.A.C. Properties, Inc., (Cris A. Christenson, President, Johnston, IA), \$126,886.
 - (A) Approving contract and bond and permission to sublet.

- 69. On Clover Hill Trunk Sanitary Sewer – Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Rognes Corp., (Warren Rognes, President, Ames, IA), \$489,845.
 - (A) Approving contract and bond and permission to sublet.

- 70. On McKinley Avenue Sidewalk from Fleur Drive to 720 feet East: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Castle Concrete Services, Inc., (Anthony Castellano, President), \$13,664.25.
 - (A) Approving contract and bond and permission to sublet.

- 71. On Brody Park Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Venter Spooner, Inc., (Daniels Venter, President, Johnston, IA), \$374,792.51.

[\(Council Communication No. 05-226\)](#)

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

- 72. On Western Gateway Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and submission of bids.
 - (A) Designating lowest responsible bidder as Larson & Larson Construction LLC (Jeffrey C. Larson, President, Urbandale, IA) \$4,791,938 (this amount includes \$76,950 for the 3 Add Alternates listed on the attachment); approving contract and bond, and permission to sublet, (continued from 4-11-05).

END HEARINGS AT _____ P.M.

APPROVING

- 73. Intergovernmental 28E Agreement with the Des Moines Riverfront Development Authority, for planning, constructing and maintaining riverfront improvements in the Downtown area.

[\(Council Communication No. 05-230\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

- 1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:
 - (A) 1226 12th Street, Titleholder: Garnett M. Lewis; Mortgage holder: The CIT Group/Consumer Finance, Inc.
 - (B) 1607 Mondamin Avenue, Titleholder: Edward Moss d/b/a Midwest Housing and Susan Moss d/b/a Midwest Housing.

- 2. The Engineering Department to cause the removal of the structure at 1011 E. 8th Street, Titleholder: Barbara J. Gourd.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003