

DES MOINES CITY COUNCIL MEETING

October 24, 2005 4:30 P.M.

SPECIAL PRESENTATIONS – 4:15 P.M.

Presentation to Mayor and Council - Iowa APA 2005 Outstanding Planning Award for Implementation

INVOCATION: Rev. Jim Wallace
Central Presbyterian Church

1. ROLL CALL:

I. Proclamation for Library employees

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 38:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License applications for the following:

NEW APPLICATIONS

(A) TROPIC RESTAURANT 3015 MERLE HAY RD C Liquor

RENEWAL APPLICATIONS

(B) ALDI INC #03 3940 E 14TH STREET C Beer
(C) ALDI INC #29 500 E ARMY POST RD C Beer
(D) ALDI INC #38 2543 E UNIVERSITY AVE C Beer

(E)	APEX OIL	1200 SE 30TH ST	C Beer
(F)	BORDENAROS PIZZA Beer/Wine	6108 SW 9TH ST	C
(G)	CENTRO RESTAURANT	1011 LOCUST ST	C Liquor
(H)	DAHLS FOODS	4343 MERLE HAY RD	E Liquor
(I)	DAHLS FOODS	3400 E 33RD ST	E Liquor
(J)	DUDS N SUDS	2629 BEAVER AVE	B Beer
(K)	GIT N GO STORE #6	5736 FRANKLIN AVE	C Beer
(L)	HESSEN HAUS	101 4TH STREET	C Liquor
(M)	HY VEE GAS DES MOINES #5	1113 E ARMY POST RD	C Beer
(N)	MY PLACE	910 HULL AV	C Liquor
(O)	STROLL INN	3325 HUBBELL AVE	C Liquor

SPECIAL EVENTS APPLICATIONS

- | | | | |
|-----|--|----------------|--------------|
| (P) | EMBASSY CLUB
Day License
Class C Liquor License in conjunction with event on November 12, 2005. Pending approval of Building, Electrical, Fire, Vice and Zoning Departments. | 400 LOCUST ST | Five (5) |
| (Q) | LIFT
License
Class C Liquor License in conjunction with an event on October 29-30, 2005. Pending approval of Building, Fire and Zoning Departments. | 1408 LOCUST ST | Five (5) Day |

PUBLIC IMPROVEMENTS

5. Resolution Ordering Construction of the following:
 - (A) 2006 Sanitary Sewer Repair Program – Receiving of Bids, (11-8-05), and Setting Date of Hearing, (11-21-05). (Construction Estimate - \$120,000).
 - (B) Principal Park Stadium Lighting – Receiving of Bids, (11-15-05), and Setting Date of Hearing, (11-21-05). (Construction Estimate - \$285,000).
6. Approving Professional Services Agreement with RDG Planning and Design for Principal Park Landscaping, \$26,000.

[\(Council Communication No. 05-598\)](#)

7. Approving Iowa Department of Transportation Agreement for Fleur Drive Traffic Signal Interconnect Improvements.

[\(Council Communication No. 05-591\)](#)

8. Authorizing submittal of STP and STP-TE Fund Applications to the Des Moines Metropolitan Planning Organization.

(Council Communication No. 05-593)

9. Approving Change Order No. 3 with Reilly Construction Co., Inc. and Affiliates for additional work on the Agrimergent Technology Park, not to exceed \$35,050.

(Council Communication No. 05-589)

10. Approving private construction contract between Pinnacle Construction Group, LLC and Blank Park Zoo Foundation, Inc. for New Administration Building Improvements in Blank Park Zoo.
11. Communication from contractors requesting permission to sublet certain items on the Principal Park Seating Expansion and Outfield Improvements, and Riverwalk Civic Gardens public improvement projects.
12. Accepting completed construction and approving final payment for the following:
 - (A) Denman Fountain Restoration, The Underground Company, Ltd.
 - (B) M. L. King Jr. Parkway/Southwest Outfall Sewers, McAninch Corporation.
 - (C) 7th and Grand Parking Garage Storefront Repairs, Bergstrom Construction, Inc.
 - (D) Highland Park Streetscape, Jasper Construction Services Inc.

SPECIAL ASSESSMENTS

13. Approving levying assessments for costs of Nuisance Abatement-NAC-Emergency Orders (Community Development) for Schedule No. 2005-14.
14. Approving the following corrections:
 - (A) NAC-Emergency Assessment for 1908 Williams Street.
 - (B) NAC-Emergency Assessment for 1243 9th Street.

LAND/PROPERTY TRANSACTIONS

15. Establishing fair market value and authorizing acquisition of property for the SE Connector project from SW 2nd Street to SE 14th Street, \$242,000.

16. Approving subdivision plat entitled CARMAN ESTATES Plat 4 located in vicinity of SE 24th Street and E. Porter Avenue.

[\(Council Communication No. 05-588\)](#)

SETTING DATE OF HEARINGS

17. On release of a sanitary sewer easement across 2950 SW 30th Street, John D. and Patricia A. Shors, \$1, (11-7-05).
18. On Supplement No. B3 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing and Capital, LLC, for acquisition and financing of two front-loading refuse trucks and one automated refuse truck for the Solid Waste Enterprise, not to exceed \$400,000, (11-07-05).

[\(Council Communication No. 05-605\)](#)

- 18-IO On sale of City-owned property north of East Hull Avenue and lying west of and adjoining I-235, to the State of Iowa (on behalf of the Iowa DOT) in conjunction with the I-235 Corridor Improvement Project, \$1, (11-07-05).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

19. Approving payment to Hansen, McClintock & Riley at a rate of \$95 per hour to represent Police Officer Christopher Huffman in the case of Beveridge v. Wal-Mart Stores, et al., Polk County No. CL 100141.
20. Approving payment of \$1,772.50 to the law firm of Nyemaster, Goode, West, Hansell & O'Brien, P.C. for airport title opinion work.
21. Approving payment of \$1,848.22 to Shawn T. Hoagland and Leslie M. Clemenson, his attorney, for a workers' compensation injury.
22. Approving payment of \$38,548.35 to Joseph R. Kiene and Robert E. McKinney, his attorney, for a workers' compensation injury.

CITY MANAGER COMMUNICATIONS

23. Submitting traffic regulation changes as follows:
 - (A) **NEW** Administrative process for corner clearance parking restrictions up to 150 feet.

(B) Corner Clearance Extension-North side of Arthur Avenue, east of E. 14th Street.

(C) Corner Clearance – South side of Chamberlain Drive, west of 45th Place.

[\(Council Communication No. 05-590\)](#)

24. Submitting out-of-state travel for T.M. Franklin Cownie, Merrill Stanley and Martha Nelson.

[\(Council Communication No. 05-581\)](#)

APPROVING

25. Reallocation of \$43,500 of unexpended Weed & Seed funding from the Executive Office for Weed & Seed (EOWS).

[\(Council Communication No. 05-585\)](#)

26. Development Agreement with 2300 University Avenue, LLC and University Place Rowhomes, LC for redevelopment of property on University between 23rd and 24th Streets.

[\(Council Communication No. 05-584\)](#)

27. The Chestnut Hills, LP, Hawthorn Hill Building, 921 Pleasant Street, application for enterprise zone benefits for a project in the Des Moines Gateway Enterprise Zone.

[\(Council Communication No. 05-607\)](#)

28. Recommendation of \$22,500 in matching funds for the South Side Revitalization Partnership Revitalization Strategy (SE 14th Street and Army Post Road Corridors).

[\(Council Communication No. 05-606\)](#)

29. Community Food and Nutrition Agreement with West Central Development Corporation to provide referral services for the 2005-2006 program year.

[\(Council Communication No. 05-600\)](#)

30. Construction and Maintenance Agreement with the Linden Heights Neighborhood Association for neighborhood entrance signs on the southwest corner of Foster Drive at 42nd and on the northwest corner of Woodlawn Drive at 42nd.

[\(Council Communication No. 05-586\)](#)

31. Selection of Wellmark Blue Cross Blue Shield of Iowa for period January 1, 2006 thru December 31, 2006 for City of Des Moines Retiree Health Plan and approving rates for retirees on Medicare.

[\(Council Communication No. 05-608\)](#)

32. Receipt of Quarterly Treasurer's Report as of September 30, 2005.
33. Renewal Addendum and Amendment to contract with Mid America Recycling, Inc. for negotiation of rates and term on recycling processing services for the Public Works Department.

[\(Council Communication No. 05-583\)](#)

34. Application from The Parks Area Foundation requesting permission to temporarily place holiday lights on the Highland/Oak Park Arch at Sixth and Euclid intersection from mid-November 2005 to February 2006.
35. Communication from Downtown Community Alliance requesting approval on behalf of Iowa State University to approve banner design for 20 banners in downtown on Locust Street during December 2005.
36. Civil Service Entrance Lists for Fleet Services Mechanic and Survey Helper.
37. Bids for the following:

- (A) Minneapolis Asphalt Systems for high performance asphalt cold mix to be used by Street Maintenance Division of the Public Works Department, \$51,200. (Five bids mailed, three received).
- (B) Tennant Sales and Service Company for a parking garage sweeper to be used by the Traffic & Transportation Division of the Engineering Department, \$42,941.19. (Eight bids mailed, three received).

[\(Council Communication No. 05-592\)](#)

- (C) UltraMax for duty and practice ammunition and shotgun ammunition to be used by the Police Department, \$68,588.15. (Eight bids mailed, six received).

[\(Council Communication No. 05-582\)](#)

- (D) Tri State Turf for Toro grounds care equipment per State of Iowa Department of Transportation Contract 2346 to be used by area maintenance of the Park & Recreation Department, \$126,027.74.
 - (E) John Deere Company for grounds care equipment per State of Iowa Department of Transportation Contract 2346 to be used by the Horticulture Division of the Park & Recreation Department, \$26,310.80.
 - (F) Pomeroy IT Solutions for CISCO Systems network equipment per State of Iowa Contract CT2708 to be used by the Information Technology Department, \$86,501.
 - (G) Pomeroy IT Solutions for CISCO Systems network equipment per State of Iowa Contract CT2708 to be used by the Information Technology Department, \$127,818.
38. Authorizing Finance Director to draw checks on the registers of October 27, 2005 and November 3, 2005; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 24, 2005 and October 31, 2005; and to draw checks for biweekly payroll due October 28, 2005.

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

ORDINANCES - FIRST CONSIDERATION

39. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) Revisions to parking restrictions in the vicinity of the Science Center of Iowa.
 - (B) Revisions to parking restrictions on SE 2nd Street from East Jackson Avenue to East Edison Avenue.
 - (C) Revisions to parking restrictions on Oakridge Drive from Keosauqua Way to 15th Street.
 - (D) Clarification of parking restrictions in municipal facilities.
40. Amending Chapter 26 of the Municipal Code regarding definition of swimming pools.

[\(Council Communication No. 05-609\)](#)

- (A) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.

COMMUNICATIONS/REPORTS

41. From Nan Rinner, 2614 E. 29th Street, to speak regarding proposed changes at Grand View Golf Course sledding hill.
42. From Dennis Deitrick, 2223 53rd Street, to speak regarding speed limit on Hickman Rd. from ML King Jr. Pkwy. to Merle Hay Rd.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 43 THRU 48)

43. On items regarding the Forest Avenue Urban Renewal Plan for the area generally bounded by Carpenter Avenue, Jefferson Avenue, 23rd Street and the properties fronting on 10th Street:
 - (A) Report and recommendation from the Plan and Zoning Commission, finding the proposed plan to be in substantial conformance with the Des Moines 2020 Community Character Land Use Plan.
 - (B) Resolution of Necessity finding the Urban Renewal Area to be a blighted area.
 - (C) Resolution closing hearing and approving the proposed Urban Renewal Plan.

[\(Council Communication No. 05-601\)](#)

- (D) Request from Rev. Gloria Richardson, 1710 Forest Avenue, to speak regarding Urban Renewal Proposal.
44. On the following Airport Concession Agreements:
 - (A) Second Amendment for News and Gift Operations with The Paradies Shops.

[\(Council Communication No. 05-603\)](#)

- (B) Third Amendment for Food and Beverage Operations with The Compass Group USA Inc., dba Select Service Partners.

[\(Council Communication No. 05-602\)](#)

45. On vacation of a strip of street right-of-way from the north side of Ingersoll Avenue adjoining 2811 Ingersoll.
 - (A) First consideration of ordinance above.

46. On conveyance of vacated north/south alley parcel between University Avenue and Enos Avenue, to Des Moines Area Community College, \$800.

[\(Council Communication No. 05-599\)](#)

47. On vacation and conveyance of north/south alley in the block between SW 1st and SW 2nd and between Dunham and Granger along with a portion of Granger Avenue right-of-way lying north of and adjoining alley, to Curley Top LLC, \$99,903, for restricted use as Senior Housing with at least 40 units, subject to conditions.

[\(Council Communication No. 05-610\)](#)

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

48. On vacation and conveyance of the north/south alley between SE 4th and SE 5th Streets from Scott to Shaw, to Artistic Iron Properties, LC, \$6,613, and to Stevens Drywall, Inc., \$1,653.

[\(Council Communication No. 05-604\)](#)

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

****END HEARINGS AT _____P.M.****

APPROVING

49. Professional Services Agreement with Douglas Hoerr Landscape Architecture Inc. (Douglas Hoerr, Principal, Chicago, IL) for the Ingersoll Avenue Streetscape Project, not to exceed \$238,655.

[\(Council Communication No. 05-594\)](#)

50. Sponsorship Marketing Agreement with Intemark, Inc. (Minneapolis, MN) to secure partnerships of cash and “in kind” to support park and recreation programs and facilities.

[\(Council Communication No. 05-587\)](#)

51. Community Attraction and Tourism (CAT) Program Grant Agreement for Principal Park Stadium improvements, \$950,000.

[\(Council Communication No. 05-597\)](#)

52. Vision Iowa Program Grant Award Agreement for the construction of the Rediscovering the Rivers Project including the Principal Riverwalk and Meredith Riverpoint Trail.

[\(Council Communication No. 05-596\)](#)

53. 28E Agreement with Chinese Cultural Center of America for construction and maintenance of the Robert D Ray Asian Garden (located north of the Armory Building along the Des Moines River).

[\(Council Communication No. 05-595\)](#)

- (A) Approving private construction contract between Regency Commercial Services, LLC and Chinese Cultural Center of America for building improvements for the Robert D. Ray Asian Garden.

54. Preliminary Agreement with Riverpoint West, LLC for redevelopment of Riverpoint West Area.

[\(Council Communication No. 05-611\)](#)

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. Recommendation of Council Member Brooks for the following:
 - (A) Appoint Larry K. Lewis to Seat #14 on the Licensing and Appeals Board, three-year term commencing April 1, 2005 to expire April 1, 2008.
 - (B) Reappoint James Windsor III to Seat #7 on the Traffic Safety Committee, three-year term commencing December 31, 2005 to expire December 31, 2008.

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 Des Moines Street, Titleholders: Samann, LC.
 - (B) 2938 Garfield, Titleholder: Brandy Young; Mortgage Holder: Wells Fargo Home Mortgage, Inc.
 - (C) 1811 Oakland Avenue, Titleholder: Linda Lumbar; Contract Buyer: Donna Bennett.
 - (D) 1214 E. Tiffin Avenue, Titleholder: CitiFinancial Mortgage Company, Inc.
 - (E) 2609 SE 8th Street, Titleholder: Valson Group, LLC.; Mortgage Holder: Polk County Bank.
 - (F) 1278 E. 18th Street, Titleholder: Christ Temple Church.
 - (G) 2825 SE 14th Street, Lot 34, Titleholder: De Bois Properties, Inc.; Titleholder of the Mobile Home: Clifford J. Fegan; Mortgage Holder: First Bank.

(H) 1404 23rd Street, Titleholders: Augustine Akpan and Inie E. Clement;
Mortgage Holder: Wynn Sighting.

2. The release of the demolition cost reserve held by Allied Insurance under claim number 14R44479 regarding the property located 2516 Payne Road insured by Dwayne E. and Vanessa J. Ziegler.
3. The release of the demolition cost reserve held by Allied Insurance under claim number 14R24878 regarding the property located 1308 E. Thornton Avenue insured by Hung T. and Luan Thi Nguyen.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003