

DES MOINES CITY COUNCIL MEETING

November 4, 2002 4:30 P.M.

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 37:

LICENSES AND PERMITS:

Approving

4. The following Beer/Liquor Applications:

NEW APPLICATIONS

(1) RJ's Lounge, 1930 SE 14th Street, C Liquor.

RENEWAL APPLICATIONS

(2) Mr. Egg Roll, 3330 Indianola Avenue, B Beer.

(3) Dahls Foods, 3710 Hubbell Avenue, C Beer.

(4) Fairgrounds 66, 303 SE 30th Street, C Beer.

(5) Git-N-Go Store #6, 5736 Franklin Avenue, C Beer.

(6) QuikTrip #541, 2428 Hubbell Avenue, C Beer.

(7) Crossroads, 625 E Court Avenue, C Liquor.

(8) Garden, 112 SE 4th Street, C Liquor.

(9) Stroll Inn, 3325 Hubbell Avenue, C Liquor.

(10) Dahls Foods, 3710 Hubbell Avenue, B Wine.

(11) QuikTrip #541, 2428 Hubbell Avenue, B Wine.

5. City Clerk to issue Coin Operated Machine Licenses.

6. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

7. Approving partial payments on twelve (12) public improvement projects and administrative changes to the payment procedures. (Call City Clerk's Office for listing).

[\(Council Communication No. 02-572\)](#)

8. Resolution Ordering Construction of 2002 Sewer Relining Program, Receiving of Bids, (11-19-02), and Setting Date of Hearing, (12-02-02). (Construction Estimate- \$1,578,985) and approving administrative procedures for filing of construction contract documents.

[\(Council Communication No. 02-573\)](#)

9. Approving Change Order No. 1 with The Underground Co. Ltd., Duane Burkhardt, President, for additional work in conjunction with the 15th/16th Streets Connector contract, \$22,550.

[\(Council Communication No. 02-574\)](#)

10. Approving permission to sublet request from Des Moines Asphalt & Paving Co. for certain items on the Fleur Drive Resurfacing Project.

11. Authorize the Engineering Department to execute a Sidewalk Program/Request to Repair Driveway Petition and Waiver Form signed by one property owner and a Paving or Curb Replacement Program/Request to Repair Driveway Petition and Waiver Form signed by one property owner.

SPECIAL ASSESSMENTS

12. Levying Deficiency Assessments for Schedule No. 2002-37 to Polk County.

LAND/PROPERTY TRANSACTIONS

13. Approve a Negotiated Administrative Settlement and to approve and accept a form of Purchase Agreement and form of Warranty Deed from Crawford Brothers Company for property

located at 4911 Fleur Drive for the NE Runway Protection Zone for Runway 5/23, \$1,086,619 plus closing costs.

14. Establish fair market value and authorize acquisition of properties, (Broadway Partners, Inc, 409 East Grand Avenue, J.C. Service Company, SW corner of Grand Avenue and 4th Street) for Eastern Gateway Project, \$907,500.

[\(Council Communication No. 02-576\)](#)

15. Approve and accept real estate documents for 3417 SE 8th Street for the SE 8th Storm Sewer Replacement Project, \$1,740 plus closing costs.

16. Approve and accept real estate documents for 6430 SW 14th Street for the Morris School Bus Drop Off Lane.

17. Approval of final subdivision plat entitled HILLSBORO, PLAT 2 located on East Luster Lane in vicinity of East 23rd Street.

[\(Council Communication No. 02-569\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. Recommendation of Mayor Preston Daniels to appoint Council Member Archie Brooks to Seat 4 on the Wastewater Reclamation Authority Management Board for a two year term commencing January 1, 2001 to expire December 31, 2003.

STREET CLOSURES

19. Approving recommendation of Street Use Team (SUT) to close the following streets:

(1) Pam Kulik, representing Downtown Community Alliance, requesting permission to close 4th Street from Walnut to Court Avenue on Friday, November 29, 2002 from 1:00 PM to 9:00 PM for Miracle on 4th.

(2) Kelly Foss, representing Downtown Community Alliance, requesting permission to close Walnut from 4th to 8th Street on Saturday, December 7, 2002 from 7:00 AM to 8:00 PM for Fire in the Sky.

SETTING DATE OF HEARINGS

20. On First Amendment to Concession Agreement for Food and Beverage Operations at Des Moines International Airport with the following:

(A) GladCo Enterprises to provide for an additional one-year extension option, (11-18-02).

(B) The Paradies Shops to provide for three (3) one-year extension option, (11-18-02).

[\(Council Communication No. 02-568\)](#)

21. On Vacation and ordering the removal of utilities from the portion of 11th Street and any remaining alley rights-of-way and reserved easements within the three block area between 10th and 13th Streets, and between Locust Street and Grand Avenue for the Public Library and Higher Education Learning Center, (11-18-02).

22. On conveyance of portion of Lyon Street between E. 13th Street and E. 14th Street to State of Iowa for use in reconstruction of Interstate 235 and termination of existing leases of portions of property to East Des Moines Clinic and Des Moines General Hospital, (11-18-02).

23. On request from Conlin Equities, LLC, (Owner), represented by Jim Conlin, (Officer), to amend River Oaks Centre PUD Concept Plan for property at 2701 SW 63rd Street, (11-18-02).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. Approving payment of \$17,144.40 to Danny Olander for workers' compensation benefits for permanent injury sustained during course and scope of his employment.

25. Approving payment of \$5,270.55 to Duncan, Green, Brown, Langeness & Eckley for representation of the City in matters relating to the airport parking garages.

26. Approving payment of \$484.50 to Frank Harty of Nyemaster, Goode, McLaughlin, Voigts, West, Hansell & O'Brien, P.C. for services relating to collective bargaining.

27. Approving payment of \$296.67 from William Jenkins of law firm of Myers & Jenkins and \$175 from Jack Phillips of law firm of Phillips Goldman & Spence, P.A. as representation of the City of Des Moines in Trans World Airlines, Inc. bankruptcy, (\$471.67)

CITY MANAGER COMMUNICATIONS

28. Submitting various traffic regulations as follows:

(1) Corner Clearance--South Side of Mahaska Avenue East of East 29th Street.

(2) Removal of Handicapped Parking Space--South Side of College Avenue West of 8th Street.

(3) Allied Insurance Building (New Construction)--Parking Restriction Designations.

[\(Council Communication No. 02-575\)](#)

29. Submitting out-of-state travel request for Larry Hare.

[\(Council Communication No. 02-571\)](#)

APPROVING

30. From Downtown Community Alliance requesting to hang large banners from the Skywalk on Walnut, between 7th and 8th Streets, and to hang speakers on trees along Walnut, Fourth and Court Avenue as part of the December 7 "Fire in the Sky" celebration.

31. Letter of Agreement and Hold Harmless Agreement for the City's Holiday Food Project with the Catholic Pastoral Center at 6th and Grand.

[\(Council Communication No. 02-563\)](#)

32. Renewal of E-911 telephone system equipment Maintenance Agreement with QWest Communications, \$18,519.61.

[\(Council Communication No. 02-558\)](#)

33. Agreement with the Downtown Community Alliance, Inc. to administer the Storefront Art Project authorizing Finance Department to deposit the sum of \$50,000 with Downtown Community Alliance.

(A) Appointing Tracy Levine as a member of the advisory panel for the Storefront Art Project.

34. Bids for the following:

(A) M & M Golf Cars, (Chris Miller, President) for utility vehicles to be used by the Wastewater Reclamation Facility, \$38,686. (Eight bids mailed, three bids received).

[\(Council Communication No. 02-561\)](#)

34. (B) Dewey Ford, (Mark Vukovich, President, Ankeny) for 19 patrol cars, \$393,338; Karl Chevrolet, (Carl Moyer, President, Ankeny) for 3 emergency utility vehicles, \$63,333 and 1 radio shop vehicle, \$20,567; Mid-States Ford, (Marv Perry, President, Waukee) for 5 mid-size four door sedans, \$73,682.50; Quality Ford, (Franklin Greene, President, WDM) for 1 animal control vehicle, \$22,241.25; Charles Gabus Ford, (Charles Gabus, President) for 1 cargo van, \$15,721 and 1 small pick-up truck, \$15,679.69 to be used by the Police Department at a total cost of \$604,562.44. (Eleven bids mailed, nine bids received).

(C) Mid-land Equipment Company, (Gary Haag, President, Ankeny) for four motor graders to be used by the Street Maintenance Division, \$334,500. (Seven bids mailed, four received).

(D) Rexco Equipment, (Steve Smith, President) for a backhoe to be used by the Park and

Recreation Department, \$43,200. (Thirteen bids mailed, five received).

[\(Council Communication No. 02-567\)](#)

35. Authorizing Finance Director to draw checks on check registers of November 8 and November 15, 2002; and for bills of the Des Moines Municipal Housing Agency for the weeks of November 4 and November 11, 2002; and to draw checks for biweekly payroll due employees of the City on November 1 and 15, 2002.

ORDINANCES - FINAL CONSIDERATION

36. Amending Chapter 26 of the Municipal Code regarding frequency of inspections and fees for inspection of rental dwellings.

ORDINANCES - SECOND CONSIDERATION

37. On Zoning Ordinance amendment regarding fences allowed on properties designated for single- and two-family use in "PUD" and "R-6" Districts, to clearly require every plan to identify fences allowed.

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

ORDINANCES - FIRST CONSIDERATION

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

- (1) Traffic Control Device for Euclid Avenue Traffic Entering 47th Street.
- (2) Corner Clearance--North Side of Lincoln Avenue West of 9th Street.

COMMUNICATIONS/REPORTS

39. From Steven W. Ancell, 809 Virginia, requesting to speak and submitting communications and petitions from residents in vicinity of SW Ninth and Virginia regarding construction of a McDonald's Restaurant at that location.

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

41. Report from City staff regarding R & R Lounge, 1018 E. 12th Street, in response to citizen communications and petitions.

HEARINGS (Opened at _____ P.M.) (Items 42 thru 48)

42. On the proposed 2003 HUD Consolidated Plan Programming Funding Allocations.

[\(Council Communication No. 02-562\)](#)

43. On vacation and conveyance of a portion of SW 4th Street and any remaining street and alley within the new Science Center of Iowa site between Vine Street and SW Martin Luther King Jr. Parkway and between SW 3rd and SW 5th Streets, to Science Center of Iowa.

(A) Recommendation from City Plan and Zoning Commission.

(B) First consideration of ordinance above.

(C) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

44. On request from Sandi Zavalla, to rezone property at 914 Davis Avenue, from "C-1" (Neighborhood Retail Commercial District) to "R1-60" (One-Family Low-Density Residential).

(A) First consideration of ordinance above.

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

45. On Supplement No. 10 to the Governmental Lease-Purchase Master Agreement, with Banc of America Leasing & Capital, LLC, \$335,946 for acquisition of four refuse trucks for Public Works Solid Waste Division.

(A) Authorization for additional actions.

(B) Authorizing execution and delivery of agreement.

[\(Council Communication No. 02-565\)](#)

46. On Supplement No. 9 to the Governmental Lease-Purchase Master Agreement, with Banc of America Leasing & Capital, LLC, \$805,345 for acquisition of one rotary snow plow and two plow trucks for the Airport.

(A) Authorization for additional actions.

(B) Authorizing execution and delivery of agreement.

[\(Council Communication No. 02-564\)](#)

47. On conveyance of property in the vicinity of 3014 E. 35th Street to Iowa Mobile Home Communities as part of the consideration for property required for the Gay Lea Wilson Recreation Trail.

48. On the Vactor Building (310 SE 4th) Roof Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Koester Construction Co., Inc., (Paul Koester, President, Des Moines), \$30,800.

(A) Approving contract and bond.

* * END HEARINGS at _____ P.M. * *

APPROVING

49. Approve proposed Greenwood Historic Neighborhood Plan as an amendment to the Des Moines 2020 Community Character Plan.

[\(Council Communication No. 02-570\)](#)

50. Contracts with MAXIMUS Consulting Group (MAXIMUS) and Modern Solutions, Inc. (MSI) for financial/accounting and Payroll/Human Resources Software Upgrade and Support, \$445,905.

[\(Council Communication No. 02-566\)](#)

51. Forming a Steering Committee of two City Council Members and two members from the City Plan and Zoning Commission to meet with utility companies to discuss location of utility cables in the City.

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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
November 4, 2002**

MOTION TO CONVENE

AUTHORIZING

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

(A) 2811 Des Moines Street (vacant) Titleholder: Samann, L.C., Attn: Nicholas H. Roby, Registered Agent.

(B) 1010 Maury Avenue (vacant) Legal Interest Holders: Matt Walsh, and Foster and Associates, Attn: Kenneth L. Johnson; and Heirs of Henry Robinson, Jr.: Henry S. Robinson, III, April A. Robinson, Pamela Selin as Guardian of the Minor Children Robbie Robinson, and Jaymie Robinson.

(C) 913 Pennsylvania Avenue (vacant) Titleholder: Dennis C. Hart.

(D) 1168 8th Street (vacant) Titleholder: Mail Services, L.C., Attn: Rod Kubat.

(E) 3001 SW 12th Street (occupied) Titleholder: Anthony T. Renda, II,; Legal Interest Holders: Allied Group Mortgage Company n/k/a Nationwide Home Mortgage Company, Attn: C T Corporation System, Registered Agent and Thomas A. Renda, Guardian for Anthony Renda.

(F) NUMBER NOT USED.

(G) 671 37th Street (vacant) Titleholders: Paul L and Geraldine P. Jennett.

2. Engineering Department to remove the following structures:

(A) 1502 11th Street, Titleholder of record, Steven L. Boese.

(B) 651 27th Street, Titleholder, Ella Mae Holder.

3. NUMBER NOT USED.

APPROVING

4. Release of demolition cost reserve escrowed under claim number AFO 063 000 regarding property known as 1807 Mondamin Avenue owned by Evelyn Wagner.

MOTION TO ADJOURN at _____ P.M.

DES MOINES-CITY OF SKYWALKS