

**\*\*\* DES MOINES CITY COUNCIL MEETING REPORT \*\*\***

**The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '05-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.**

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**July 25, 2005 4:30 P.M.**

**PROCLAMATIONS – 4:15 P.M.**

National Night Out

Korn Patch Klowns

**INVOCATION:** Pastor Tony Thurston  
College Avenue Christian Church

05-1763 1. **ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Kiernan, and Mahaffey  
Absent: Vlassis.**

05-1764 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by  
Hensley to adopt. Motion Carried 6-1.**

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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.**

05-1765 3. **APPROVING CONSENT AGENDA – items 3 through 39: Moved by Brooks to adopt  
the balance of the consent agenda. Motion Carried 6-1.**

## LICENSES AND PERMITS

05-1766

4. Approving Alcoholic Beverage License applications for the following: **Moved Coleman to adopt. Item 4(B) was deferred to the next Council Meeting. Moved Carried 6-1.**

### NEW APPLICATIONS

(A) CARNITAS DON JAVIER	1824 HUBBELL AVE	C Liquor
(B) KRYSTAL SLIPPER	1760 BEAVER AVE	C Liquor
<del>(C) STAR BAR</del>	<del>2809 INGERSOLL AVE</del>	<del>C Liquor</del>

### RENEWAL APPLICATIONS

(D) AH BLANK GOLF COURSE	711 COUNTY LINE RD	C Liquor
(E) BUDDYS CORRAL	418 E 5TH ST	C Liquor
(F) DICKEY DOOGANS	1201 E ARMY POST RD	C Liquor
<del>(G) EL PATIO MEXICAN RESTAURANT</del>	<del>611 37TH ST</del>	<del>C Liquor</del>
(H) GIT N GO STORE #26	2140 E PARK AVE	C Beer
(I) LA PIZZA HOUSE	1013 SE 14TH STREET	C Liquor
(J) LATIN KING RESTAURANT	2200 HUBBELL AVE	C Liquor
(K) LOS COMPADRES	1440 MAURY ST	C Liquor
(L) MICHAELS RESTAURANT/LOUNGE	4041 URBANDALE AVE	C Liquor
(M) NE 14TH HANDIMART	5150 NE 14TH STREET	C Beer
(N) OLD WEST BARBEQUE	3000 E GRAND AVE	B Beer
(O) PDS PUB	3803 SW 9TH STREET	C Liquor
(P) QUIKTRIP #523	850 ARMY POST RD	C Beer

### OUTDOOR SERVICE APPLICATIONS

(Q) BLAZING SADDLE	416 E 5TH ST	C Liquor	Temporary In conjunction with Historic East Village Bike Night on July 29, 2005.
(R) LOCUST TAP	434 E LOCUST ST	C Liquor	Temporary in conjunction with Historic East Village Bike Night on July 29, 2005. Pending approval of Building and Electrical Departments.

### SPECIAL EVENT APPLICATIONS

(S) NICK SEXTON INC	3000 E GRAND AVE	C Native Wine	Fourteen day license in conjunction with the Iowa State Fair, August 11-24, 2005.
(T) SHIE CONCESSION	3000 E GRAND AVE	B Beer	Fourteen day license for the Miller Tent in conjunction with the Iowa State Fair, August 11-24, 2005.

- 05-1767 5. City Clerk to issue Cigarette Licenses. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1768 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Brooks to adopt. Motion Carried 6-1.**

**PUBLIC IMPROVEMENTS**

- 7. Resolution Ordering Construction of the following:
  - 05-1769 (A) Western Gateway Demolition – 13<sup>th</sup> Street to 15<sup>th</sup> Street – Receiving of Bids, (8-22-05), and Setting Date of Hearing, (8-22-05). (Construction Estimate - \$429,520). **Moved by Brooks to adopt. Motion Carried 6-1.**
  - 05-1770 (B) Leetown Creekway Wooden Box Replacement – Phase 3 – Receiving of Bids, (8-22-05), and Setting Date of Hearing, (8-22-05). (Construction Estimate - \$1,068,000). **Moved by Brooks to adopt. Motion Carried 6-1.**
- 8. Approving items regarding Principal Park Seating Expansion and Outfield Improvements
  - 05-1771 (A) Supplemental Agreement with Hok Sport, Inc. (Rick Martin, Senior Principal, Kansas City, MO) for design of enhanced water features, not to exceed \$128,625. ([Council Communication No. 05-418](#)) **Moved by Brooks to adopt. Motion Carried 6-1.**
  - 05-1772 (B) Professional Services Agreement with Team Services (Colby Cunningham, President, DM) for construction phase services, not to exceed \$42,000. ([Council Communication No. 05-415](#)) **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1773 9. Approving Professional Services Agreement with Snyder & Associates, Inc. (Stephen Rowe, President, Ankeny) for engineering services in conjunction with East Indian Avenue Corridor Study from SE 14<sup>th</sup> Street to E. Army Post Road, not to exceed \$223,200. ([Council Communication No. 05-413](#)) **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1774 10. Approving Change Order No. 1 with Employers Mutual Casualty Company for additional work on the 8<sup>th</sup> & Mulberry Streets Parking Garage, not to exceed \$192,001. ([Council Communication No. 05-414](#)) **Moved by Brooks to adopt. Motion Carried 5-1.**  
**Nays: Kiernan. Absent: Vlassis.**
- 05-1775 11. Approving request for extension of time on Clover Hill Trunk Sanitary Sewer – Phase 2. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1776 12. Approving Private Construction Contract between Neumann Brothers, Inc. and Leach Lumber Company for Storm Sewer Improvements at 1921 Hubbell Avenue. **Moved by Brooks to adopt. Motion Carried 6-1.**

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

- 05-1777 (A) Eco-Tech Construction, L.L.C. and TCK Development, L.L.C. for Pavement Improvements in Culver Ridge Estates Plat 1, located at E. Payton Avenue. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1778 (B) Eco-Tech Construction, L.L.C. and TCK Development, L.L.C. for Sanitary Sewer Improvements in Culver Ridge Estates Plat 1, located at E. Payton Avenue. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1779 (C) Eco-Tech Construction, L.L.C. and TCK Development, L.L.C. for Storm Sewer Improvements in Culver Ridge Estates Plat 1, located at E. Payton Avenue. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1780 (D) McAninch Corporation and Brook Run L.C. for Sanitary Sewer Trunk Line Improvements west of Brook Run Village Plat 2. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1781 (E) The Underground Company, Ltd. and Beckley Automotive Services for Storm Sewer Improvements on Crocker Street from 7<sup>th</sup> Street, west to north/south alley to serve 8<sup>th</sup> Street. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1782 (F) McAninch Corporation and Oaks Development for Sanitary Sewer Improvements at The Meadowlands Townhomes, 2100 Meadow Chase Lane. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1783 (G) Earth Movers, Inc. and St. Andrews Group for Sanitary Sewer Improvements at Carman Sanitary Sewer Extension from existing sanitary sewer in Easter Lake Estates Plat 7, across 2547 and 2575 Easter Lake Drive to serve future subdivision of Carman Estates. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1784 (H) Chas Goering Plumbing, Inc. and Systems Capital, Inc. for Storm Sewer Improvements in west border area of 30<sup>th</sup> Street, south of Forest Avenue to serve McDonald's Restaurant, 3002 Forest Avenue. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1785 (I) McAninch Corporation and Rottlund Homes for Sanitary Sewer Improvements at Brook Run Villas, located in proposed Brook Run Village Plat 8. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1786 (J) Gater Excavating, Inc. and Mark G. Holmes for Storm Sewer Improvements at 5 Meadow Woods Circle, Brook Run Village, Plat 1. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1787 (K) Eco-Tech Construction, L.L.C. and Oaks Development for Street Improvement

new development, Park Place Plat 1, E. Park Avenue and SE 23<sup>rd</sup> Street. **Moved by Brooks to adopt. Motion Carried 6-1.**

- 05-1788 (L) McAninch Corp. and Oaks Development for Sanitary Sewer Improvements in new development, Park Place Plat 1, E. Park Avenue and SE 23<sup>rd</sup> Street. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1789 (M) McAninch Corp. and Oaks Development for Storm Sewer Improvements for Paving in new development, Park Place Plat 1, E. Park Avenue and SE 23<sup>rd</sup> Street. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1790 14. Approving recommendation of City Engineer regarding disqualification of Buchan Builders, Inc. as a contractor or subcontractor on public improvement contracts for a period of three years. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1791 15. Approving applications to the Iowa Department of Transportation for traffic safety funds to cover a portion of construction costs for the following projects: ([Council Communication No. 05-412](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- (A) East Army Post Road Widening from South Union to SE 5<sup>th</sup> Street.
  - (B) SW 7<sup>th</sup> and Indianola Road Traffic Signal/Channelization Improvements.
  - (C) E. 29<sup>th</sup> and Hubbell Intersection Traffic Signal Upgrading.
  - (D) 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> at Crocker Street-Traffic Signal Upgrading.
  - (E) Midblock Pedestrian Crossing Enhancements.
- 05-1792 16. Approving completion and recommending acceptance for 2004 Expanded Street Resurfacing Program-Arterial, Des Moines Asphalt & Paving Co. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1793 17. Receive, file and authorize execution of petition and waiver forms for curb replacement program/request to repair driveway executed by three property owners. **Moved by Brooks to adopt. Motion Carried 6-1.**

## **SPECIAL ASSESSMENTS**

- 05-1794 18. Approving levying assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development and Public Works) for Schedule No. 2005-09. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1795 19. Approving deletion of NAC-Emergency Assessments at 905 24<sup>th</sup> Street. **Moved by Brooks to adopt. Motion Carried 6-1.**

## **LAND/PROPERTY TRANSACTIONS**

- 05-1796 20. Approve and accept real estate documents for property at 2403 McKinley Avenue for McKinley Avenue Reconstruction and Obstruction Removal Project, \$11,000 plus closing costs. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1797 21. Approve and accept real estate documents for properties in the vicinity of Army Post Road and SE 45<sup>th</sup> Street for the Southeast Ridge Trunk Sanitary Sewer Project-Phase II, \$8,000 plus closing costs. **Moved by Brooks to adopt. Motion Carried 6-1.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

- 05-1798 22. Recommendation of Council Member Archie Brooks to appoint Brian J. Meyer to Seat #15 on the Plan and Zoning Commission to fill unexpired term of Becky Morelock commencing July 1, 2003 to expire July 1, 2008. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1799 22-I Recommendation of Council Member Michael Kiernan to appoint Fritz Junker to Seat #15 on the Des Moines Music Commission to expire July 1, 2008. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1800 23. Recommendation of Mayor Frank Cownie to reappoint Barbara Hildebrandt to Seat #2 on the Library Board of Trustees for a six-year term commencing July 1, 2005 to expire July 1, 2011. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1801 24. Communication from Becky Morelock advising of her resignation from the Plan and Zoning Commission, Seat #15, effectively immediately. **Moved by Brooks to receive, file, and accept resignation with appreciation for her many years of service. Motion Carried 6-1.**

## SETTING DATE OF HEARINGS

- 05-1802        25. On application from Crown Colony, Inc. for voluntary annexation of property at southwest corner of Hubbell Road and NE 46<sup>th</sup> Avenue (a/k/a Broadway Avenue), (9-05). **Moved by Brooks to adopt. Motion Carried 6-1.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 05-1803        26. Approving payment of \$14,287 to Marjo, L.L.C. for settlement of Marjo, L.L.C. v. City of Des Moines. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 05-1804        27. Approving payment of settlements by City Attorney, not exceeding \$5,000. **Moved by Brooks to receive, file and affirm settlements made by City Attorney. Motion Carried 6-1.**

## CITY MANAGER COMMUNICATIONS

- 05-1805        28. Submitting traffic regulation changes as follows: ([Council Communication No. 05-4](#)) **Moved by Brooks to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1.**
- (A) Corner Clearance-South side of Ingersoll Avenue east of 31<sup>st</sup> Street.
  - (B) Corner Clearance-North side of Ingersoll Avenue, east of 34<sup>th</sup> Street.
  - (C) Corner Clearance-West side of 22<sup>nd</sup> Street, south of University Avenue.
  - (D) Corner Clearance-East side of 24<sup>th</sup> Street, north of Clark Street.
  - (E) Corner Clearance-South side of College Avenue, west of 24<sup>th</sup> Street.
  - (F) Corner Clearance-North side of College Avenue, east of 24<sup>th</sup> Street.
  - (G) Corner Clearance-East side of 24<sup>th</sup> Street, south of College Avenue.
  - (H) Corner Clearance-West side of 24<sup>th</sup> Street, north of College Avenue.
  - (I) Corner Clearance-West side of 28<sup>th</sup> Street, south of College Avenue.
  - (J) Corner Clearance-East side of 29<sup>th</sup> Street, south of Clark Street.

- (K) Corner Clearance-East side of 23<sup>rd</sup> Street, north and south of Clark Street.
- (L) Corner Clearance-South side of Allison Avenue, east and west of 27<sup>th</sup> Street.
- (M) Corner Clearance-East side of 24<sup>th</sup> Street, north and south of 24<sup>th</sup> Drive.
- (N) Corner Clearance-South side of Wrenwood Drive, west of 26<sup>th</sup> Street.
- (O) Corner Clearance-East side of SE 4<sup>th</sup> Street, north and south of Raccoon Street.

05-1806      29. Submitting out-of-state travel requests for Lawrence McDowell, Keith Ellis, Jeff Slu, Tansy Hayward and Lauren Palmer. ([Council Communication No. 05-404](#)) **Moved by Brooks to adopt. Motion Carried 6-1.**

**APPROVING**

05-1807      30. Employment of Thomas J. Clarke, Jr. as Assistant City Attorney. **Moved by Brooks to adopt. Motion Carried 6-1.**

05-1808      31. Designation of the entire City of Des Moines multi-use recreational trail system as the J. Pat Dorrian Trail System. ([Council Communication No. 05-421](#)) **Moved by Hensley to approve. Motion Carried 6-1.**

05-1809      32. Transfer of funds from the Woodland Cemetery Endowment Fund to an expendable fund to be used for the restoration and maintenance of the Woodland Cemetery. ([Council Communication No. 05-405](#)) **Moved by Brooks to approve. Motion Carried 6-1.**

05-1810      33. Agreement with the Des Moines Register for production and insertion/distribution of an updated Greater Des Moines Trail Map. **Moved by Coleman to approve. Motion Carried 6-1.**

05-1811      34. Joint bid with other public entities from Cargill Deicing Technology for rock salt to be used by the Street Maintenance Division of the Public Works Division, \$303,920. (Two bids mailed, two received). ([Council Communication No. 05-406](#)) **Moved by Brooks to adopt. Motion Carried 6-1.**

05-1812      35. Authorizing Finance Director to draw checks on the registers of July 28, 2005 and August 4, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of July 25, 2005 and August 1, 2005; and to draw checks for biweekly payroll



August 5, 2005. **Moved by Brooks to adopt. Motion Carried 6-1.**

**ORDINANCES - FINAL CONSIDERATION**

36. Items regarding downzoning of property along the south side of the 1800 block of Euclid Avenue:
- 05-1813 (A) Rezoning 1810 Euclid Avenue from “M-1” (Light Industrial) to Ltd. “C-2” (General Retail and Highway Oriented Commercial). **Moved by Brooks that this ordinance do now pass, #14,469. Motion Carried 6-1.**
- 05-1814 (B) Rezoning the balance of the property from “M-1” (Light Industrial) to “C-2” (Neighborhood Oriented Commercial), requires 6 votes. **Moved by Brooks that this ordinance do now pass, #14,470. Motion Carried 6-1.**

**ORDINANCES - SECOND CONSIDERATION**

- 05-1815 37. On vacation of air rights over east/west alley adjoining 112-11<sup>th</sup> Street. **Moved by Brooks that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**
- 05-1816 38. Amending Chapter 98 of the Municipal Code regarding definition and regulation of transit transfer stations. [Council Communication No. 05-420](#) **Moved by Mahaffey that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**
- 05-1817 (A) Final consideration of ordinance above, (waiver requested by Community Development Department), requires 6 votes. **Moved by Mahaffey that the ordinance requiring that an ordinance must be considered and voted on for passage at Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,471. Motion Carried 6-1.**
- 05-1818 39. Amending Chapter 46 of the Municipal Code, adopting the 2003 International Fire Code. **Moved by Brooks that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

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

## ORDINANCES - FIRST CONSIDERATION

40. NUMBER NOT USED.
- 05-1819 41. Amending Chapter 114 of the Municipal Code as follows: **Moved by Hensley that ordinance be considered and given first vote for passage. Motion Carried 6-1.**
- (A) Corner Clearance to facilitate movement of Solid Waste Vehicles-both sides Washington Avenue, east of 38<sup>th</sup> street.
  - (B) Corner Clearances-West side of 29<sup>th</sup> Street, south of Grand Avenue.
  - (C) Court Avenue traffic revisions.
- 05-1820 (D) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended that the ordinance be placed upon its final passage and that the ordinance now pass, [#14,472](#). Motion Carried 6-1.**

## COMMUNICATIONS/REPORTS

- 05-1821 42. Request from K. James Dobbins, 2305 Grand Ave, #306, to speak regarding fees and penalties for pet licensing. **Moved by Hensley to receive and file. Mr. Dobbins did not appear. Motion Carried 6-1.**

\*\*Council considered Items 47 and 48 next\*\*

## INFORMAL HEARINGS (OPEN AT 5:07 P.M.) (ITEM 42-I)

- 05-1822 42-I. Citizen input regarding criteria needed by new City Manager. **Moved by Coleman to receive and file. Motion Carried 6-1.**

## HEARINGS (OPEN AT 5:10 P.M.) (ITEMS 43 THRU 46)

- 05-1823 43. On conveyance of City-owned property at 1127 11<sup>th</sup> Street to Houses for You. ([Council Communication No. 05-417](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1824 44. On vacation and conveyance of the East 160' of the East/West alley between 23<sup>rd</sup> Street and 24<sup>th</sup> Street, south of University Avenue, adjoining Lots 10-17 of Drake University

Addition, and the East/West alley between University Avenue and Drake Park Avenue from the North/South alley to 24<sup>th</sup> Street, to 2300 University Avenue, LLC. ([Council Communication No. 05-416](#)) **Moved by Coleman to adopt. Motion Carried 5-1. Pass: Hensley. Absent: Vlassis.**

05-1825 (A) First consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 5-1-1. Pass: Hensley. Absent: Vlassis.**

WITHDRAWN

05-1826 (B) Final consideration of ordinance above, (waiver requested by applicant), requiring 3 votes.

05-1827 45. On Cownie Soccer Stadium Expansion: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder Legacy Construction Group, (Douglas N. Stephens, President, Grimes, IA) \$402,467. **Moved by Brooks to adopt. Motion Carried 6-1.**

05-1828 (A) Approving contract and bond and permission to sublet. **Moved by Brooks to adopt. Motion Carried 6-1.**

05-1829 46. On Warren County Roadway Improvements Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt & Paving Corp., (J.M. Yonker, President, Grimes, IA), \$158,807. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and Vlassis.**

05-1830 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and Vlassis.**

**APPROVING**

05-1831 47. Issuance of Request for Qualifications (RFQ) for reuse of the former Science Center in Iowa (SCI) in Greenwood Park. ([Council Communication No. 05-410](#)) **Moved by Coleman to adopt, and add Council Member Hensley to the Committee. Motion Carried 6-1.**

05-1832 48. Authorizing continued Negotiations with Riverpoint West, LLC for redevelopment of Riverpoint West Development Area. ([Council Communication No. 05-419](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

**\*\*Council considered Informal Hearing and Hearings Items next\*\***

05-1833 MOTION TO ADJOURN. **Moved by Hensley to adjourn at 5:16 P.M. Motion Carried 6-1.**

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