

DES MOINES CITY COUNCIL MEETING

February 24, 2003 4:30 P.M.

SPECIAL PRESENTATIONS - 4:15 P.M.:

Iowa Genealogical Society Announcement

INVOCATION: Pastor Daniel Witkowski

St. John's Lutheran Church

1. ROLL CALL:

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

***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 49:

LICENSES AND PERMITS:

Approving

4. The following Beer/Liquor Applications:

RENEWAL APPLICATIONS

(1) Rainbow Cleaning Machine, 4347 Merle Hay Rd., B Beer.

(2) Scornovaccas Pizza, 3900 E 14th Street, B Beer.

(3) Shangri La Buffet, 4349 Merle Hay Rd., B Beer.

(4) Central City Liquor, 1460 2nd Avenue, C Beer.

- (5) Git-N-Go #10, 816 E Euclid Avenue, C Beer.
- (6) Hawkeye Pantry, 501 Locust Street, C Beer.
- (7) Hy Vee Food Store #1, 3330 Martin Luther King Jr. Pkwy., C Beer.
- (8) Ingersoll Liquor & Beverage, 3500 Ingersoll Avenue, C Beer.
- (9) Linns Super Market, 3805 6th Avenue, C Beer.
- (10) Chat Noir Cafe, 644 18th Street, C Beer/Wine.
- (11) Paesanos Pizzeria, 2804 SW 9th Street, C Beer/Wine.
- (12) Thai Flavors, 1254 E 14th Street, C Beer/Wine.
- (13) Independent Lodge #4, 1601 6th Avenue, C Liquor.
- (14) Kellys Little Nipper, 1701 E Grand Avenue, C Liquor.
- (15) Raccoon River Brewing Company, 200 10th Street, C Liquor.
- (16) Riccellis Supper Club, 3803 Indianola Avenue, C Liquor.
- (17) Winstons Pub & Grille, 601 Locust Street, C Liquor.
- (18) Central City Liquor, 1460 2nd Avenue, B Wine.
- (19) Hawkeye Pantry, 501 Locust Street, B Wine.
- (20) Ingersoll Liquor & Beverage, 3500 Ingersoll Avenue, B Wine.
- (21) Linns Super Market, 3805 6th Avenue, B Wine.
- (22) Central City Liquor, 1460 2nd Avenue, B Wine.
- (23) Dahls Foods, 4121 Fleur Drive, E Liquor.
- (24) Hawkeye Pantry, 501 Locust Street, E Liquor.
- (25) Ingersoll Liquor & Beverage, 3500 Ingersoll Avenue, E Liquor.

OUTDOOR SERVICE APPLICATION

- (26) Tim Flanagans, 2120 Ingersoll Avenue, C Liquor. Temporary Outdoor Service for St. Patrick's Day Celebration, 3-16-03 to 3-18-03. Pending Building, Electrical and Fire Approval.

5. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Resolution Ordering Construction of the following:

(A) Ashby Park Water Playground, Receiving of Bids, (3-18-03), and Setting Date of Hearing, (3-24-03). (Construction Estimate - \$475,000).

[\(Council Communication No. 03-090\)](#)

(B) M. L. King Jr. Parkway Raw Water Line Relocation, Receiving of Bids, (3-18-03), and Setting Date of Hearing, (3-24-03). (Construction Estimate - \$1,262,110).

7. Iowa Department of Transportation Agreement for Fleur Drive resurfacing from McKinley Avenue to Army Post Road, \$600,000.

[\(Council Communication No. 03-085\)](#)

8. Approving Iowa Department of Transportation Preconstruction Agreement for the Penn Avenue, E. 12th Street, and E. Euclid Avenue Bridge reconstruction.

[\(Council Communication No. 03-084\)](#)

9. Communication from Reilly Construction Co., Inc. and Affiliates and Corell Contractor, Inc. (joint venture) requesting permission to sublet on the M.L. King, Jr. Parkway-Combined Grand Avenue Bridge and Raccoon River to Ingersoll project.

10. Approving payment of Chapter 573 Retainage from HMA Corporation for Franklin Avenue Library Asbestos Abatement Project to Credit General Insurance Company, in Liquidation and HMA Corporation, \$2,089.70.

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

(A) Skywalk Bridge 9C - 9D, Hubbell Building to Federal Home Loan Bank Building, \$618 is due now and \$21,839 at the end of thirty days.

(B) Skywalk Bridge 8C - 9C, Wells Fargo Building to Hubbell Building, \$18,246 is due at the end of thirty days.

(C) 2001 East/West Traffic Signal Interconnect Conduit, \$18,908.85 is due now and \$6,895.20 at the end of thirty days.

(D) WRF Digester Fall Protection, \$9,600 is due now and \$2,903.05 at the end of thirty days.

(E) Northeast Four Mile Trunk Sanitary Sewer, \$64,319.11 is due at the end of thirty days.

SPECIAL ASSESSMENTS

12. Delete NAC - Emergency Order Assessments that Community Development Department has already received payment in full for the following properties:

(A) 1318 Mondamin Avenue, Schedule No. 2003-01, Certificate No. 00-09577-00, \$390.06.

(B) 729 Boyd Street, Schedule No. 2003-01, Certificate No. 00-9638-00, \$326.82.

(C) 2442 Garfield Avenue, Schedule No. 2003-50, Certificate No. 00-09705-00, \$160.

(D) 142 E. Douglas, Schedule No. 2003-50, Certificate No. 00-09714-00, \$95.

13. Resolution Levying Assessments for costs of Nuisance Abatement-2001 Sidewalk Repair Program, Schedule No. 2002-35.

14. Reduction in assessment from \$324 to \$166 for Sidewalk Repair, Replace and Reconstruct Assessment Schedule No. 2002-34, Certificate No. 04-08436-00 for property at 4730 Ingersoll Avenue.

LAND/PROPERTY TRANSACTIONS

15. Approve and accept real estate documents for property located at 15th Street and Ingersoll Avenue for the 15th Street Corridor Project, \$2,690 plus closing costs.

16. Approve and accept real estate documents for 5555 SW 9th, and 5711 SW 9th for the SW 9th Widening at Porter Avenue Project, \$20,592 plus closing costs.

17. Approve and accept real estate documents for Closes Creek Street Water Improvement Project as follows:

(A) 2517 Mann Avenue, \$150 plus closing costs.

(B) 2816 Holcomb Avenue, \$150 plus closing costs.

18. Approve and accept real estate documents for vacant property for the Agrimergent Technology Park Project, \$3,000 plus closing costs.

19. Applications for tax abatement on value added by improvements to real property as follows:

(A) Approval of 595 timely filed Tax Abatement applications.

(B) Approval of four late-filed applications.

[\(Council Communication No. 03-093\)](#)

(C) Denial of three applications for improvements to commercial property not located within a designated area.

[\(Council Communication No. 03-091\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

20. Recommendation of Mayor Preston Daniels to appoint Deloris Grove to Seat 1 on the Skywalk Committee to expire June 30, 2005.

21. Recommendations of Council Member Mike McPherson for appointment to the Urban Design Review Board as follows:

(A) Daniel R. Sloan to Seat 5, to expire June 30, 2004.

(B) Art Wittmack to Seat 9, to expire June 30, 2003.

22. Revised and updated Procedural Rules and Regulations for the Access Advisory Board.

CITY PLAN COMMISSION RECOMMENDATIONS

23. Regarding request from the City Manager for vacation and conveyance of intervening alleys in the south 1/2 of the block between 2nd and 3rd Streets, north of Vine Street, subject to conditions.

(A) Setting Date of Hearing on vacation and conveyance of the remaining alley rights-of-way in the block between 2nd Avenue and 3rd Street, north of Vine Street, to Neighborhood Improvement Corporation, \$82,739 and other consideration, (03-10-03).

24. Regarding request from Ladco Development for vacation and conveyance of 4th Street between Laurel Street and I-235, subject to conditions.

SETTING DATE OF HEARINGS

25. NUMBER NOT USED.

26. On request from Stanbrough/Walters Land Development to rezone property at 5646 SE 36th Street from "R1-90" Large Lot One-Family Residential District to "R1-70" One-Family Low Density Residential District, (03-10-03).

27. On request from the City Manager to rezone property located in the vicinity of 1553 E. Walnut Street from "R1-60" One-Family Low Density Residential District to "R2-A" General Residential District.(3-10-03).

28. On 2002 HUD Consolidated Annual Performance and Evaluation Report (CAPER), (03-24-03).

29. On the following violations of Iowa Cigarette laws:

(A) Assessment of \$300 penalties to twenty-three (23) cigarette permittees for selling to minors, (first offense), (03-10-03).

(B) 30 day suspension of cigarette permits for four (4) cigarette permittees for selling to minors, (second offense), (03-10-03).

(C) On 60 day suspension of cigarette permits for two (2) cigarette permittees for selling to minors, (third offense), (03-10-03).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

30. Approving payment of \$2,012.41 to law firm of Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, L.L.P. for representation of City in lawsuit entitled Merchants White Line Warehousing, Inc., Reppert Transfer and Storage Co., and Ackerman Auto Parks Co., Inc. v. City of Des Moines.

31. Approving payment of \$367.50 to Spiegel & McDiarmid Law Firm for consultation services in conjunction with the City's response to FAA concerns regarding City's Airport PILOT charge.

32. Approving payment of \$3,297.70 to Nyemaster, Goode, McLaughlin, Voigts, West, Hansell & O'Brien, P.C. for services relating to collective bargaining.

33. Approving payment of \$13,194.48 to Michele Mills for settlement of a workers compensation claim for injuries sustained during course and scope of her employment.

34. Approving payment of \$17,291.95 to Duncan, Green, Brown, Langeness & Eckley for

representation of City in matters related to airport parking garages.

CITY MANAGER COMMUNICATIONS

35. Submitting out-of-state travel for Preston A. Daniels, Dale Bunting, and Mark Miller.

[\(Council Communication No. 03-078\)](#)

APPROVING

36. Supplemental Agreement No. 2 with Brian Clark and Associates for Professional Services Contract to construct Walnut Creek Trail, Phases I-B & II, \$63,100.

[\(Council Communication No. 03-089\)](#)

37. Amendments to Ambulance Billing Contract with Team Two, Inc. (Josh Ingman, President, Clive).

[\(Council Communication No. 03-082\)](#)

38. Residential Lease Agreement for Pioneer Park residence, 1602 Pioneer Park Road, monthly fee of \$650, one-year term.

[\(Council Communication No. 03-088\)](#)

39. Release of Restrictions Agreement and Acceptance of 17.75 acres of former Fort Des Moines property.

[\(Council Communication No. 03-087\)](#)

40. Required new endorsements for extended Airport Liability Insurance Coverage for Acts of Terrorism effective November 26, 2002 through July 1, 2003, \$28,837.

[\(Council Communication No. 03-092\)](#)

41. Receipt of Legislative Update for the 80th Iowa General Assembly.

42. Bids for the following:

(A) Mid-States Ford (Marv Perry, President, Waukee) for four (4) 15,000 GVW trucks for use by the Sewers Division, \$230,364.88. (Eleven bids mailed, four received).

(B) Dewey Ford (Mark Vukovich, President, Ankeny) for two (2) emergency vehicles plus accessories for use by the DMPD Airport Unit, \$48,653.60. (Eleven bids mailed, six received).

(C) Motorola Inc. (Schaumburg, IL) per State of Iowa Contract Number CT1199MV for portable radios and accessories for use by the Police Department, \$54,796.50.

(D) Des Moines Automotive Parts Company for an annual contract with four (4) additional one year renewal options to furnish towing and storage services. (Ten bids mailed, one received).

[\(Council Communication No. 03-077\)](#)

43. Contract for purchase of Sewer Infrastructure Management System software from GBA Master Series, Inc. (Donald E. Pinkston Jr., President, Kansas City, MO), \$187,703.

[\(Council Communication No. 03-083\)](#)

44. Civil Service Promotional Lists for Public Works Section Chief and Traffic Signal System Technician.

45. Authorizing Finance Director to draw checks on the registers of February 28 and March 7, 2003; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 24 and March 3, 2003; and to draw checks for biweekly payroll due on March 7, 2003.

ORDINANCES - FINAL CONSIDERATION

46. Amending Chapter 82 of the Municipal Code to change seat criteria on the Neighborhood Revitalization Board and provide for recommendation of eligible candidates for open positions on the Board.

ORDINANCES - SECOND CONSIDERATION

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

(1) Corner Clearance--East Side of 32nd Street, North of University Avenue.

(2) Two-Sided Parking Restriction--Both Sides of Washington Avenue between 9th Street and 10th Street.

(3) One-Sided Parking Restriction--East Side of 26th Street between Kingman Boulevard and University Avenue.

(4) Temporary Traffic Control Devices-Crocker Street at 6th Avenue and 7th Street.

48. Amending Chapter 46 of the Municipal Code regarding fire protection systems and equipment, connection to fire department communication center for fire alarm monitoring and removal of underground storage tanks.

49. On rezoning of property generally between SW 3rd and SW 5th, north of SW Martin Luther King Jr. Parkway, and south of Market Street, (Science Center) from "C3-R" (Central Business District Mixed-Residential) to "PUD" (Planned Unit Development).

(A) Communication from Patt Murphy, 206 S. Buckeye, Abilene, KS, Cultural Resource Representative, Iowa tribe of Kansas & Nebraska, regarding aboriginal ties to the State of Iowa.

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

COMMUNICATIONS/REPORTS

50. From Charles Hintz, 4608 Crestmoor Drive, regarding Remote Control Locomotive operation by Union Pacific Railroad.

51. From Kristy Floyd & Faisal Alsafar, 1810 - 21st Street, regarding zoning of a duplex.

52. From Robert Craddick, 1801 Pleasant Street, #4, regarding bicyclist terminus areas and zoning ordinances for bicycle amenities.

HEARINGS (Opened at _____ P.M.) (Items 53 thru 59)

53. On proposed amendment to the Annual Budget for current fiscal year ending June 30, 2003.

(A) On proposed Annual Budget for fiscal year ending June 30, 2004.

54. Items regarding request from Imagine Homes Inc. to rezone property at 6300 SW 12th Street from "R1-60" (One Family Low Density Residential District) to "R-2" (One and Two Family Residential District), (continued from 2-10-03):

(A) Recommendation from City Plan Commission and approving amendment to the Des Moines 2020 Community Character Land Use Plan.

(B) Hearing to rezone.

(C) First consideration of ordinance above.

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

55. On conveyance of property at 2614 and 2808 E. 35th Street (Lots 935 and 938) to George and Kimberly Flippo for property interests required by the City for the Gay Lea Wilson Recreational Trail.

56. On proposed voluntary annexation of property west of Highway 69 and south of County Line Road, and to continue to March 24, 2003.

57. On Central Place Sanitary Sewer Televising Program: Resolution approving plans, specifications, form of contract documents, Engineers estimate and designating lowest responsible bidder as Hydro-Klean, Inc., (Becky Merial, President), \$33,127.

[\(Council Communication No. 03-086\)](#)

(A) Approving contract and bond.

58. On Ingersoll Avenue Traffic Signals - 28th Street to 42nd Street: Resolution approving plans, specifications, form of contract documents, Engineers estimate and designating lowest responsible bidder as Baker Electric, Inc., (Dave Hearn, President), \$323,800.

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

59. On Market Street Sanitary Sewer Relocation - SW 3rd Street to SW 4th Street: Resolution approving plans, specifications, form of contract documents, Engineers estimate and designating lowest responsible bidder as Van Hauen & Associates (Mark Van Hauen, VP/CEO, Clive), \$97,500.

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

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

APPROVING

60. Negotiation of a contract with Des Moines University for Comprehensive Occupational Medical Services.

[\(Council Communication No. 03-094\)](#)

61. Submission of updated employee handbook for Supervisory, Professional and Management (SPM) employees.

[\(Council Communication No. 03-076\)](#)

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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
February 24, 2003**

MOTION TO CONVENE

COMMUNICATION

1. Regarding demolition cost reserve escrowed for 3315 6th Avenue.

HEARINGS

2. On resolution to demolish and remove dangerous structure or to determine appropriate equitable action to be taken at 2227 Garfield Avenue (garage only) Titleholder: Gary W. Crawford.

AUTHORIZING

3. Court authority to abate the public nuisance at the following locations:

(A) 1520 Carpenter Avenue (vacant) Titleholder: Gerald L. Davis.

(B) 410 E. 24th Street (vacant) Titleholder: Thomas G. and Lois Daniels.

MOTION TO ADJOURN at _____ P.M.