DES MOINES CITY COUNCIL MEETING

May 19, 2003 4:30 P.M.

SPECIAL PRESENTATIONS - 4:15 P.M.:

(a) Excellence in Historic Preservation Awards

(b) From Polk County Farm Bureau

PROCLAMATIONS - 4:15 P.M.:

First United Methodist Church

INVOCATION: Pastor Sondra Eddings, First Christian 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 60:

LICENSES AND PERMITS:

Approving

4. The following Beer/Liquor Applications:

NEW APPLICATIONS
(1) Waveland Cafe, 4708 University Avenue, B Beer.

(2) Hoyt Sherman Place, 1501 Woodland Avenue, C Liquor.

(3) University Library Café, 3506 University Avenue, C Liquor.

RENEWAL APPLICATIONS

(4) Pizza Hut #4353, 1435 Army Post Rd., B Beer.

(5) Steer and Stein, 3000 E Grand Avenue, B Beer.

(6) Big KMart #4160, 2535 Hubbell Avenue, C Beer.

(7) Git-N-Go Store #11, 3940 E 29th Street, C Beer.

(8) Git-N-Go Store #31, 2601 SW 9th Street, C Beer.

(9) Kwik Shop #539, 1372 E 14th Street, C Beer.

(10) QuikTrip #516, 1000 E University Avenue, C Beer.

(11) QuikTrip #535, 1501 E Grand Avenue, C Beer.

(12) Tobacco Outlet Plus #519, 3144 SE 14th Street, C Beer.

(13) West Grand 66 #20236, 6222 Grand Avenue, C Beer.


(15) Jalapeno Pete's Cantina, 3000 E Grand Avenue, C Beer/Wine.

(16) King Ying Low Restaurant, 223 4th Street, C Beer/Wine.

(17) Carls Place, 1620 Woodland Avenue, C Liquor.

(18) Civic Center of Greater Des Moines, 221 Walnut Street, C Liquor.


(20) Mercy Hospital Medical Center, 1111 6th Avenue, C Liquor.

(21) Royal Flush Restaurant, 4440 Hubbell Avenue, C Liquor.
(22) Spaghetti Works, 308 Court Avenue, C Liquor.
(23) Best Western Starlite Village, 929 3rd Street, B Liquor.
(24) Big KMart #4160, 2535 Hubbell Avenue, B Wine.
(25) QuikTrip #516, 1000 E University Avenue, B Wine.
(26) QuikTrip #535, 1501 E Grand Avenue, B Wine.

TRANSFER TO NEW LOCATION

(27) Depot, 3000 E Grand Avenue, B Beer. Temporary transfer of license to the Midway Area for the Golden Circle Games on June 18, 2003.


5. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

6. Resolution ordering construction of the following:

(A) Cownie Soccer Complex Improvements, Receiving of Bids, (6-3-03), and Setting Date of Hearing, (6-9-03). Construction Estimate - $300,000.

(Council Communication No. 03-227)

(B) E. 16th Street and E. Walnut Street Footing Drain Sewer, Receiving of Bids, (6-3-03), and Setting Date of Hearing, (6-9-03). Construction Estimate - $38,680.

(C) Westchester Park Playground Improvements, Receiving of Bids, (6-3-03), and Setting Date of Hearing, (6-9-03). Construction Estimate - $68,490.

(Council Communication No. 03-226)

(D) 2003 Hot Mixed Asphalt (HMA) Pavement Milling & Resurfacing, Receiving of Bids, (6-3-03), and Setting Date of Hearing, (6-9-03). Construction Estimate - $1,004,300.
7. Approving and authorizing execution of Professional Services Agreement with Shuck-Britson, Inc., (Robert A. Britson, President) in conjunction with rehabilitation of the S.W. 9th Street Viaduct over M.L. King Jr. Parkway and the University Avenue Bridge over the Des Moines River, not to exceed $262,114.

   (Council Communication No. 03-233)

8. Approving and authorizing execution of Iowa Department of Transportation Detour Agreements for the Polk Boulevard Bridge, 19th Street Bridge, M.L. King Jr. Parkway Bridge, E. 6th Pedestrian/E.6th Street/Penn Avenue/E. 12th Bridges, and E. Euclid Avenue Interchange.

   (Council Communication No. 03-230)

9. Approving submission of application to obtain release of previously approved grant funds for construction of outlet storm sewers in conjunction with the I-235 Project.

   (Council Communication No. 03-239)

10. Approving Private Construction Contracts for the following:

    (A) Eco-Tech Construction, L.L.C. (Jim Mackey, Contract Manager, Grimes), Contractor and Oaks Development Company (John Kline, President, WDSM), Owner, for construction of subgrade improvements in new development, Easter Lake South Plat 2, on East Payton and SE 31st Street.

    (B) Sternquist Construction, Inc. (Britt Sternquist, President, Indianola), Contractor and Clarke Company, Ltd. (John J. Clarke, Managing Partner, DSM), Owner, for construction of street improvements for paving in proposed Woods on the River Plat #6 Subdivision in the vicinity of Grand River Drive and Eagle Point Court.

11. Accepting completed construction and approving final payment on the 4th and Grand Garage Relighting, $20,470.70 is due at the end of thirty days.

12. Accepting completed construction and approving final payment for 2001 Intermediate Paving Program, M. Peterson Construction Co., $5,682.19 is now due and remaining balance of $41,544.47 is due at the end of thirty days.

   (A) Resolutions accepting work and ordering preparation of Plat and Schedule of Assessments for the following:

   (1) E. 35th Street, from 337’ south of E. Sheridan Avenue to E. Hull Avenue.

   (2) 36th Street from Douglas Avenue to the dead end 947’ south.
(3) 27th Place from Amick Avenue to Euclid Avenue.

(4) River Vista Drive from SW 12th Street to the dead end 633' west.

(B) Resolutions adopting and levying Final Schedule of Assessments and providing for payment for the following:

(1) E. 35th Street from 337' south of E. Sheridan Avenue to E. Hull Avenue.

(2) 36th Street from Douglas Avenue to the dead end 947' south.

(3) 27th Place from Amick Avenue to Euclid Avenue.

(4) River Vista Drive from SW 12th Street to the dead end 633' west.

13. Approving Change Order No. 5 with Eco-Tech Construction, L.L.C. for additional work in conjunction with the Indianola Avenue Connector, not to exceed $24,209.

(Council Communication No. 03-231)

14. Communications from various contractors requesting permission to sublet items on two public improvement projects, (Upper Union Park Sewer Separation Phase 1, and WRF Computer Room A/C Replacement).

SPECIAL ASSESSMENTS

15. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:

(A) Schedule No. 2003-05.

(B) Schedule No. 2003-28.

(C) Schedule No. 2003-54.

(D) Schedule No. 2003-78.

(E) Schedule No. 2003-88.
16. Deletion of NAC - Emergency Order Assessments on the following:

(A) Schedule No. 2003-27 in the amount of $150 against property at 2203 Capitol Avenue.

(B) Schedule No. 2003-02 in the amount of $451.52 against property at 1523 Arlington Avenue.

**LAND/PROPERTY TRANSACTIONS**

17. Approve and accept real estate documents for property (2315 Bennett Avenue, 2804 Holcomb Avenue, 2513 Mann Avenue, 2803 Hickman Road, 2800 Bennett Avenue, 2901 Hickman Road) for the Closes Creek Storm Water Improvement Project, $15,070 plus closing costs.

18. Approve and accept real estate documents for property (Lot 33 Vandalia Acres, Polk County) for the Agrimergent Technology Park Project, $1 plus closing costs.

19. Approve and accept real estate documents for property located at 5608 SW 9th Street for the SW 9th Widening at Porter Avenue Project, $68,350 plus closing costs.

20. Approve and accept real estate documents for property located at 815 East 13th Street for the I-235 Maple Street Storm Sewer Project, $1 plus closing costs.

21. Establishing fair market value and authorizing acquisition of property (1500, 1709, 1800, 1801, 1804, and 1805 SE 37th Street) for the Agrimergent Technology Park Project, $346,500 plus closing costs.

22. Accept dedication of land in the vicinity of 2700 E. Douglas Avenue from Rick and Mary Kading.

**BOARDS/COMMISSIONS/NEIGHBORHOODS**


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

(1) Mike St. Clair, representing Des Moines Symphony Association, requesting permission to
close Grand Avenue Bridge from 1st Street to E. 1st Street on Thursday, July 3, 2003 from 11:00 AM to 11:30 PM and Locust Street Bridge from 1st Street to E. 1st Street on Thursday, July 3, 9:45 PM to 10:30 PM (Raindate of Friday, July 4, 2003) for fireworks after the concert at the State Capitol Complex.

(2) Ann Marie Brick, representing Dam To Dam, requesting permission to close Locust from 3rd to 4th (with the exception of the north lane), from 6:00 PM on Friday, May 30, 2003 to 11:30 AM on Saturday, May 31, 2003; Locust Street (with the exception of the north lane from 3rd to 5th), from 2nd to 5th on Saturday, May 31, 2003 from 5:30 AM to 11:30 AM; and 3rd Street from Locust to Walnut on Saturday, May 31, 2003 from 7:00 AM to 11:30 AM for 2003 Dam To Dam.

(3) Trudy Hancock, representing Bud Mulcahy's Jeep, requesting permission to close E. 2nd from Grand to Locust on Saturday, June 7, 2003 from 8:00 AM to 7:00 PM for Jeep Jamboree Outdoor Fest.

(4) Amy Lego, representing Downtown Community Alliance, requesting permission to close 4th Street from Walnut to Court on Saturday, June 7, 21, and 28, 2003 from 1:00 PM to 10:00 PM and close 4th Street from Walnut to Vine and Court from 3rd to 5th on Saturday, June 14, 2003 from 5:00 PM to Midnight for Summer In The City.

(5) Shannon Boswell, representing Historic East Village, Inc., requesting permission to close East 5th Street from Locust Street to Walnut Street on Friday, June 6, 2003 from 3:00 PM to 12:00 AM for a street festival.

(6) Lynelle Scheidel, representing 41st Street Block Party Committee, requesting permission to close 41st Street from University Avenue to Forest Avenue on Saturday, June 14, 2003 from 4:00 PM to 12:00 AM for a neighborhood block party.

(7) Millie Porter, representing Christ The King School, requesting permission to close SW 7th Street from Wall Avenue to the end of the drive north of the school building on Tuesday, May 27, 2003 from 11:00 AM to 3:30 PM for relay day activities.

**CITY PLAN COMMISSION RECOMMENDATIONS**

26. Regarding request from John M. Severino, Sr., 347 E. Granger Avenue, for vacation and conveyance of the East/West alley between E. Granger and E. Dunham Avenue from SE 3rd Street to SE 4th Street, subject to retention of utility easements.

27. Regarding vacating dead end segment of E. Hughes Avenue, east of SE 8th Street, and conveying vacated right of way in its entirety to the Des Moines Independent Community School District, subject to the School agreeing to provide access to adjoining properties.
SETTING DATE OF HEARINGS

28. On vacation and conveyance of the North/South alley between 8th and 9th Street from Crocker to Center Street to Principal Life Insurance Company, $97,400, (6-9-03).

29. On request from United Properties Investment Company, L.C. and Raccoon Valley Investment Company to rezone property at 8000 Fleur Drive from the "A-1" (Agricultural) to "C-2" (General Retail and Highway Oriented Commercial), subject to conditions, (6-9-03).

30. On Council-initiated request to rezone property at 1904 Forest Avenue from "C-2" (General Retail and Highway Oriented Commercial) to "NPC" (Neighborhood Pedestrian Commercial), subject to conditions, (6-9-03).

31. On proposed vacation and conveyance of a portion of east/west alley extending from E. 4th between E. Grand Avenue and E. Locust Street adjoining Betts Hardware site to SOHO Development, L.L.C., (6-9-03).

(A) Preliminary Terms of Agreement with SOHO Development, L.L.C. (Tony DeAngleo, CEO, DSM) for construction of residential condominium units, retail, restaurant and office space.

(Council Communication No. 03-222)

32. On construction of the Southeast Ridge Trunk Sanitary Sewer and to acquire agricultural land for the project, (6-23-03).

(Council Communication No. 03-232)

33. On final connection fee ordinance for Northeast Four Mile Trunk Sanitary Sewer System Benefited District, (6-23-03).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

34. Approving payment of $2,977.37 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for services related to Supplemental Nos. 8 and 10 of the Master Lease Program.

35. Approving payment of $67.50 to Sullivan & Ward, P.C. for assistance in matters pertaining to the National Pollution Discharge Elimination System Permit (NPDES) and environmental issues in lease and use agreements.

CITY MANAGER COMMUNICATIONS

36. Submitting various traffic regulation changes as follows:

(1) Two-Way Traffic Operation--Locust Street between 2nd Avenue and E. 7th Street.
(2) Parking Restriction--North Side of E. Washington Avenue from East of E. 33rd Street.

(3) Corner Clearance--West Side of E. 21st Street, south of Maple Street.

(4) Corner Clearance--South Side of Ingersoll Avenue, East and West of 29th Street.

(5) Corner Clearance--North Side of East Shawnee Avenue, West of Cornell Street.

(6) Corner Clearance--East Side of 4th Street, South of Aurora Avenue.

(7) Corner Clearance--West Side of 21st Street, South of Franklin Avenue.

(8) Corner Clearance--East Side of E. 9th street, South of Buchanan Street.

(9) Removal of Loading Zone on the East Side of 9th Street, North of Walnut Street.

(10) Corner Clearance--North Side of Ingersoll Avenue, East and West of 19th Street.

(Council Communication No. 03-234)


(Council Communication No. 03-229)

38. Regarding Eastern Gateway District Area "1" Design Guidelines.

(Council Communication No. 03-237)

(A) Communication from Urban Design Review Board.

APPROVING

39. Submission of AmeriCorps Grant Application to Iowa Department of Volunteer Services for management and coordination of ten members.

40. Reallocation of unspent program year 2002 Community Development Block Grant (CDBG) Funds.

(Council Communication No. 03-219)
41. Community Economic Betterment Account (CEBA) Loan Agreement with the State of Iowa for American Tire Distributors, Inc., 3925 Delaware Avenue and final approval for financial assistance from the City, $100,000.

42. Water Street Brownstone LLC's Application to Iowa Department of Economic Development for Enterprise Zone Benefits for a project in the Gateway Enterprise Zone at 1st and Vine.  
   (Council Communication No. 03-236)

43. Amendment to Development Agreement with Teachout Properties, L.L.C. for renovations to Teachout Building, 500 E. Locust.  
   (Council Communication No. 03-228)

44. NUMBER NOT USED

45. One year extension of the Master Lease-Purchase Agreement with Banc of America Leasing and Capital.  
   (Council Communication No. 03-240)

46. Loan of $200,000 to Diamond Animal Health, Inc. in the Agrimergent Technology Park for expansion and creation of ten jobs and repayment of the loan within three years at 3% interest to the City.  
   (Council Communication No. 03-218)

47. PY2004 Notices of Funding Availability (NOFA) for the Fifth Year Action Plan (2004) of the current Housing and Urban Development (HUD) Consolidated Plan.  
   (Council Communication No. 03-238)

48. Environmental Certification and Request for Release of Funds from HUD for the Department of Housing Services' 2003 Capital Fund Program.

49. Contract between Des Moines Police Department and Langley Productions for the COPS TV Show for an eight week period starting May 27, 2003.

51. Waiving right of direct award of funds $50,614, for the Federal Juvenile Accountability Incentive Block Grant Program and redirect funds to the Polk County Decategorization Project for implementation of Juvenile Justice Accountability Programs.

52. Civil Service Entrance Lists for Jail Security Officer, Transcriber Typist, Animal Control Officer, Human Relations Specialist, and Promotional List for Senior Police Officer.

53. Lease Agreement with E-Z-Go to be assigned to Lease Finance Group, Inc. (Dan Dryer, President, MN) to secure golf cars for Grandview and Waveland Golf Courses.

54. Bid from O'Halloran International (Jim O'Halloran, President, Des Moines) for two truck tractors to be used by the Wastewater Reclamation Facility, $119,072. (Seven bids mailed, five received).

55. Authorizing Finance Director to issue checks on the registers of May 23, May 30, and June 6, 2003; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of May 19 and June 2, 2003; and for biweekly payroll due on May 30, 2003.

ORDINANCES - FINAL CONSIDERATION

56. On rezoning of property at 6222 SW 12th Street from "R1-60" (One Family Low Density Residential District) to Ltd. "R-2" (One and Two Family Residential), (requires 6 votes for passage).

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

   (1) Allow Parking on the South Side of MTA Lane near MTA Offices for additional visitor parking.

   (2) Prohibition of Left Turns-Iowa Highway 5 at Interchanges of Fleur Drive and Iowa Highway 28.

58. Rezoning of the property at 9201 US Highway 65/69, owned by AmerUs, from "A-1" (Agricultural), to Ltd. "C-2" (General Retail and Highway Oriented Commercial District), to
correct error in publication.

ORDINANCES - SECOND considerATION

59. WITHDRAWN.

60. On vacation of a portion of the Kingman Boulevard street right-of-way.

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

COMMUNICATIONS/REPORTS

61. From Jennifer James, 1056 - 26th Street, to speak regarding the annual Drake Historic Home Tour.

62. From South Side Revitalization Partnership regarding infrastructure on the southeast side of Des Moines.

63. From Jonathan L. Phillips, 3116 - 38th Street, to speak regarding various employment issues.

64. From Brad Beadle, 3826 - 4th Street, to speak regarding clarification of various Municipal Code sections pertaining to outdoor storage containers.

65. From citizens requesting to speak regarding the closing of the Archie Brooks Community Center.

66. Communication from Neighborhood Revitalization Board, regarding proposed staff reduction in Community Development.

HEARINGS (Opened at ______ P.M.) (Items 67 thru 71)

67. On appeal from Donald E. Collins, 2121 - 3rd Street, Perry, IA regarding recommended denial of taxicab license.

68. On Council-initiated request to rezone property proposed for voluntary annexation between 80th Avenue and 85th Avenue, north of Beardsley Street, Warren County, from "A-1" (Agricultural) to "R1-70" (One-Family Low-Density Residential).

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

69. On assessment of $300 penalties to eight (8) cigarette permittees for selling to minors, first offense.


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

71. On WRF Skylights Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as C. Kay Construction, $85,209.56.

(A) Approving contract and bond.

* * END HEARINGS at ______ P.M. * *

APPROVING

72. Resolution directing sale of the following General Obligation Bonds, (bonds will be sold at 10:00 AM on May 19th):

(A) $19,140,000, Series 2003C.

(H) $11,860,000, Series 2003D.

(Council Communication No. 03-223)

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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.
1. Approving Certifications of Consistency with the City's 2003 HUD 2000-2004 Consolidated Plan and Empowerment Zone/Enterprise Community (EZ/EC) Strategic Plan for Des Moines Area Community College (DMCC) and Home Opportunities Made Easy, Inc. (HOME, Inc.).

SPONSOR: Vlassis.

(Council Communication No. 03-242)

2. Approving actions related to Western Gateway Schematic Plan.

(Council Communication No. 03-241)

AGENDA
BOARD OF HEALTH
MAY 19, 2003

MOTION TO CONVENE

HEARINGS

1. On resolution to demolish and remove dangerous garage structure or to determine appropriate equitable action to be taken at 2808 Cottage Grove, TITLEHOLDERS: Jack Stuart and Mary Stuart, LEGAL INTEREST HOLDER: U.S. Bank Association.

2. On resolution to demolish and remove dangerous garage structure or to determine appropriate equitable action to be taken at 1646 Dean Avenue, TITLEHOLDER: Shelby Danielson, LEGAL INTEREST HOLDERS: Christine Frank and John Davis d/b/a Tax 225.

3. On resolution to demolish and remove the dangerous structure or to determine appropriate equitable action to be taken at 1327 E. 13th Street, TITLEHOLDERS: Janet Kay Alvarez and Elias Alvarez, MORTGAGE HOLDER: New Century Mortgage Corporation and LEGAL INTEREST HOLDER: Mooring Tax Asset Group II, LLC.

4. On resolution to demolish and remove dangerous garage structure or to determine appropriate equitable action to be taken at 2014 E. 14th Street, TITLEHOLDERS: Douglas L. Smith and Deborah F. Smith, LEGAL INTEREST HOLDER: Midland Credit Union.

AUTHORIZING

5. Court authority to abate the public nuisance at the following locations:
(A) 1101 Filmore Street (vacant) TITLEHOLDER: Mike Sears; and LEGAL INTEREST HOLDER: ML/US Bank, Attn: Chris Newhouse.

(B) 1443 Martin Luther King Jr. Parkway (vacant) TITLEHOLDER: Kenneth P. Brown and Sheila K. Brown and CONTRACT BUYERS: Edward Moss and Susan Moss.

(C) 1829 Mondamin (vacant) TITLEHOLDER: Carol Johnson d/b/a Carol Johnson J.C. Tap, Inc.

(D) 1513 E. Park Avenue (vacant) HEIRS OF ROXIE LONG: Thomas Long, Missy Long, and Cindy Long; and LEGAL INTEREST HOLDERS: The Pacesetter Corporation, Attn: Prentice Hall Corporation System, Registered Agent, John Halsband, Ironwood Funding #4, Attn: Mitch Romonia, Joaquin Davila, Great American Record Search, LLC, Attn: Glenda Kuchel, Registered Agent, John Davis d/b/a Great American Record Search, LLC, and Tax 254, Attn: Christine Frank.

(E) 3125 Scott Avenue (vacant) TITLEHOLDER: Virginia Rinard.

(F) 1237 10th Street (vacant) LEGAL INTEREST HOLDER: Barry Williams, Administrator of Ruby Lee Shelton Estate.

(G) 1368 E. 13th Street (vacant) TITLEHOLDER: Richard Lumley Estate and LEGAL INTEREST HOLDER: Fez, Inc.

(H) 1461 E. 21st Street (garage) TITLEHOLDER: Matilda R. Trigg.

6. The Engineering Department to cause the removal the following structure and completion of demolition:

(A) 221 E. 15th Street (vacant) TITLEHOLDER: Wonevia Penney.

7. Release of lien placed on 1810 Mondamin for the demolition of the structure.

MOTION TO ADJOURN AT _____________ P.M.

Des Moines - City of Skywalks