DES MOINES CITY COUNCIL MEETING

July 18, 2005 4:30 P.M.

SPECIAL PRESENTATIONS – 4:00 P.M.

“Outstanding Employer” presentation to the City by the 767th Engineering Battalion

PROCLAMATIONS – 4:00 P.M.

Neighborhood Finance Corporation’s 15th Anniversary

National Recreation & Parks Association Month

INVOCATION:  Rev. Jim Wallace
                Central Presbyterian 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 56:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License applications for the following:

   NEW APPLICATIONS

   (A) METRO MARKET                                2002 WOODLAND AVE  B
       Native Wine
   (B) SILVESTRINIS PIZZA                          5418 DOUGLAS AVE   C
       Liquor
<table>
<thead>
<tr>
<th>Application Type</th>
<th>Establishment</th>
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<tr>
<td>Liquor</td>
<td>CAFE DI SCALA</td>
<td>644 18TH ST</td>
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<tr>
<td>Beer</td>
<td>AH BLANK GOLF COURSE</td>
<td>711 COUNTY LINE RD</td>
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<td>Beer</td>
<td>AIRPORT HOLIDAY INN</td>
<td>6111 FLEUR DR</td>
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<td>Beer</td>
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<td>3000 E GRAND AVE</td>
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<td>APPLEBEES GRILL</td>
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<td>3900 MERLE HAY RD</td>
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<td>Liquor</td>
<td>CHUCKS RESTAURANT</td>
<td>3608 6TH AVE</td>
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<td>Beer</td>
<td>DELL OIL LTD</td>
<td>5800 SW 9TH ST</td>
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<td>Liquor</td>
<td>DES MOINES AMVETS POST #2</td>
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<td>Wine</td>
<td>EMBASSY CLUB</td>
<td>801 GRAND AVE</td>
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<td>Beer</td>
<td>GIT N GO STORE #36</td>
<td>4164 EASTON BLVD</td>
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<td>Liquor</td>
<td>LA PIZZA HOUSE</td>
<td>1013 SE 14TH STREET</td>
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<td>MASTER JACKS</td>
<td>3000 E GRAND AVE</td>
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<td>Liquor</td>
<td>RAULS TACO HOUSE</td>
<td>1541 E GRAND AVE</td>
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<td>Beer</td>
<td>STOCKMANS INN</td>
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**RENEWAL APPLICATIONS**

**OUTDOOR SERVICE APPLICATIONS**

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TEMPORARY LICENSE IN CONJUNCTION WITH EAST VILLAGE BIKE NIGHT ON JULY 29, 2005. PENDING APPROVAL OF ELECTRICAL DEPARTMENT.

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<tr>
<td>Liquor</td>
<td>HESSEN HAUS</td>
<td>101 4TH STREET</td>
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TEMPORARY LICENSE IN CONJUNCTION WITH DOWNTOWN OKTOBERFEST ON SEPTEMBER 23 AND 24, 2005. PENDING APPROVAL OF THE BUILDING DEPARTMENT.

SPECIAL EVENT APPLICATIONS

(U) NICK SEXTON INC. 25 E LOCUST ST Five (5) Day License

CLASS C NATIVE WINE LICENSE IN CONJUNCTION WITH TASTE OF DES MOINES ON JUNE 22 AND 23, 2005. PENDING APPROVAL OF THE BUILDING DEPARTMENT.

(V) SOCIETY OF ITALIAN AMER 1801 MCKINLEY Five (5) Day License

CLASS C BEER WINE LICENSE IN CONJUNCTION WITH THE SOCIETY OF ITALIAN AMERICAN FESTIVAL ON AUGUST 4, 2005 THROUGH AUGUST 8, 2005.

(W) WINSTONS PUB & GRILLE 800 WALNUT ST Five (5) Day License

CLASS C BEER WINE LICENSE IN CONJUNCTION WITH "BIG DIG" CELEBRATION ON AUGUST 5, 2005. PENDING APPROVAL OF FIRE INSPECTION.

(X) WINSTONS PUB & GRILLE 800 WALNUT ST Five (5) Day License

CLASS C BEER WINE LICENSE IN CONJUNCTION WITH "BIG DIG" CELEBRATION ON AUGUST 26, 2005. PENDING APPROVAL OF FIRE INSPECTION.

5. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Resolution Ordering Construction of the following:

(A) Central Place Pump Stations Trash Rack Replacement – Receiving of Bids, (8-2-05), and Setting Date of Hearing, (8-8-05). (Construction Estimate - $439,000).

(B) E. 16th Street and E. Sheridan Avenue Storm Sewer Improvements – Receiving of Bids, (8-2-05), and Setting Date of Hearing, (8-8-05). (Construction Estimate - $351,218).

(C) Fire Station Numbers 3, 5, and 9 Reroofing – Receiving of Bids, (8-2-05), and Setting Date of Hearing, (8-8-05). (Construction Estimate - $170,000).

(D) 5th and Keo Parking Garage Rehabilitation – Phase 1 – Receiving of Bids, (8-16-05), and Setting Date of Hearing, (8-22-05). (Construction Estimate - $967,44.50).

7. Approving completion and recommending acceptance of the following Private Construction Contracts:
(A) Eco-Tech Construction, L.L.C. and D.W. Homes, Inc. for Street Paving Improvements to serve Stoney Pointe Development including widening of east side of SE 14th Street between Hart Avenue and E. Diehl Avenue as well as portion of full width paving of Hart Avenue and E. Diehl Avenue.

(B) Eco-Tech Construction, L.L.C. and D.W. Homes, Inc. for Sanitary Sewer Improvements to serve Stoney Pointe Retail Center, 5921 SE 14th Street.

(C) Eco-Tech Construction, L.L.C. and D.W. Homes, Inc. for Storm Sewer Improvements east of SE 14th located between SE Diehl and SE Hart to serve Stoney Pointe.

(D) Eco-Tech Construction, L.L.C. and Vacco Properties, Inc. for Paving Improvements in new development Stanton Landing Plat 1, located at Stanton Avenue and SW 29th Street.

(E) Eco-Tech Construction, L.L.C. and Vacco Properties, Inc. for Sanitary Sewer Improvements in new development Stanton Landing Plat 1, located at Stanton Avenue and SW 29th Street.

(F) Eco-Tech Construction, L.L.C. and Vacco Properties, Inc. for Storm Sewer Improvements in new development Stanton Landing Plat 1, located at Stanton Avenue and SW 29th Street.

(G) Sternquist Construction, Inc. and Clarke Company, Ltd. for Street Improvements to serve proposed Woods on the River Plat 7 subdivision in vicinity of Grand River Drive and East King Avenue.

(H) The Underground Company, Ltd. and Clarke Company, Ltd. for Sanitary Sewer Improvements to serve proposed Woods on the River, Plat 7 near Grand River Drive and King Avenue.

(I) The Underground Company, Ltd. and Clark Company, Ltd. for Storm Sewer Improvements to serve proposed Woods on the River, Plat 7 near Grand River Drive and King Avenue.

(J) McAninch Corporation and Clarke Company, Ltd. for Storm Sewer Improvements for storm sewer extension to serve Woods on the River Plat 1, 2200 block of East Park Avenue.

(K) The Underground Company, Ltd. and Clarke Company, Ltd. for Storm Sewer Improvements in drainage way between Glenwood Drive and Deep Woods Court in Woods On the River Plat 3.
(L) Palmer Plumbing LLC and 2901 Grand Condominiums LLC for Storm Sewer Improvements to install storm sewer manhole to service 2901 Grand Avenue, located at 29th Street between Grand Avenue and Locust Street.

(M) Elder Corporation and Koester Construction for Storm Sewer Improvements at SW 9th and Virginia.

(N) Elder Corporation and Des Moines Independent Community School District for Street Improvements for widening of north side of Geil Avenue to provide drop-off area for Morris Elementary School, 1401 SW Geil Avenue.

(O) Venter Spooner, Inc. and DM/Maple Lane, LLLP for Storm Sewer Improvements to serve Maple Lane Apartments, 4041 Hubbell Avenue.

8. Approving completed construction and final payment to Castle Concrete Services, Inc. for 2004 PCC Pavement Restoration Program, $158,374.50.

SPECIAL ASSESSMENTS

9. Approving levying assessments for cost of Nuisance Abatement – NAC Emergency Orders (Community Development) and (Public Works) for Schedule No. 2005-08.

10. Approving the following NAC Emergency Assessments:

   (A) Schedule 2005-07 for 2831 Grand Avenue, 2241 E. 34th Street and 2809 Columbia Street.

   (B) Schedule 2005-07 for 2720 E. 39th Court and 2701 E. Market Street.


12. Approving the following:

   (A) Sewer Rental and/or Solid Waste/Stormwater Utility Fees for June 2005.

   (B) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for June 2005.

13. Receive and file petition and waiver form for sidewalk program/request to repair driveway executed by the owner of one property.
14. Real estate documents for property at 1300 Grand Avenue for the Western Gateway Project, $220,000 plus closing costs.

15. Establishing revised market value and authorizing acquisition of property for the Guthrie Avenue Business Park Project, $75,500 plus closing costs.

16. Payment of condemnation award for the acquisition of properties at 1320 and 1406 Grand Avenue for the Western Gateway Project, $425,000 plus sheriff’s fees and jury expenses.


18. Communication from Joseph Grandanette advising of his resignation from the Park and Recreation Board (Seat #4) effective immediately.

19. Regarding request from Kirkwood Commons, LLC for vacation and conveyance of east/west segment of alley between Walnut Street and Court Avenue, extending west from 4th Street, subject to conditions.

20. Regarding request from Aztec Motors for vacation and conveyance of east 15 feet of SE 12th Street, adjoining lots 1 and 2, Block 19 of Allen’s 2nd Addition and vacated Vale Street, subject to conditions.

21. Regarding request from Striggles Legacy II, LLC for vacation and conveyance of irregular shaped segment of southern portion of Ingersoll Avenue right-of-way between 17th and 18th Streets, subject to conditions.

22. Regarding request from Artistic Iron Properties, LC, Scott Street Enterprises, LC and Stevens Dry Wall, Inc. for vacation and conveyance of north/south alley between SE 4th Street and SE 5th Street from Scott Avenue to Shaw Street in vicinity of 615 SE 4th Street, subject to conditions.

23. Regarding request from Malcolm Wells for vacation and conveyance of irregular shaped portion of Crocker Street right-of-way between 15th Street and 16th Street adjoining 849 16th Street, subject to conditions.
24. Regarding request from Des Moines Automotive Parts Co. for vacation of dead-end segment of SE 42nd Street right-of-way extending north from Vandalia Road.

25. Regarding “S-O” (Study Overlay) District for Four Mile Creek floodplain.

SETTING DATE OF HEARINGS


(Council Communication No. 05-394)

27. On vacation and conveyance of the East 160’ of the East/West alley between 23rd Street and 24th Street south of University Avenue adjoining Lots 10-17 of Drake University 3rd Addition, and the East/West alley between University Avenue and Drake Park Avenue from the North/South alley to 24th Street, to 2300 University Avenue, LLC, (7-25-05).

(Council Communication No. 05-393)

28. On request from Andy Holt, to rezone property in vicinity of 4180 NE 43rd Court and generally south of intersection of Hubbell Avenue and NE 43rd Court, from “A-1” (Agricultural) and “C-2” (General Retail and Highway Oriented Commercial) to “R1-80” (One-Family Residential) and Limited “C-2” (General Retail and Highway Oriented Commercial), (8-8-05).

29. On request from High Land Company, LC, to rezone property at 2019 Ingersoll Avenue, from “C-2” (General Retail and Highway Oriented Commercial) and “C-3A” (Central Business District Support Commercial) to Limited “NPC” (Neighborhood Pedestrian Commercial), (8-8-05).

30. On request from Drake University, to rezone property in vicinity of 1500 27th Street and vicinity of 2806 Clark Street, from “R1-60” (One-Family Low Density Residential) to Limited “R-3” (Multiple-Family Residential), (8-8-05).

31. On request from Luther Care Services to rezone property located at 2909, 2911, and 2722 East 16th Street from “R1-60” (One-Family Low Density Residential) to “PUD” (Planned Unit Development) and 2nd Amendment to Luther Park PUD Conceptual Plan, (8-8-05).

32. On request from Eastgate Plaza L.L.C. to amend existing Eastgate Plaza “PUD” Conceptual Plan for property in vicinity of 1546 East Euclid Avenue, (8-8-05).
33. Approving payment of $2,058 to Ahlers & Cooney, P.C. for consultation regarding a proposed Regional Transit District Agreement.

34. Approving payment of $6,039.96 to Hall & Associates to represent stormwater management utility regarding NPDES permit.

35. Approving payment of $2,063 to Myers & Jenkins for representation in ATA Holdings Corp. bankruptcy and UAL Corporation bankruptcy.


37. Settlement of Isaac Harris, et al. v. City of Des Moines, Federal Case No. 4-04-CV-00723 in amount of $36,000.

CITY MANAGER COMMUNICATIONS


(Council Communication No. 05-398)

39. Submitting traffic regulation changes as follows:

(A) Corner Clearance to facilitate movement of Solid Waste Vehicles-both sides of Washington Avenue east of 38th street.

(B) Corner Clearances-West side of 29th Street south of Grand Avenue.

(C) Court Avenue traffic revisions.

(Council Communication No. 05-399)
APPROVING

40. Submission of Community Services Block Grant (CSBG) COMMUNITY ACTION PLAN (application) to Iowa Department of Human Rights/Division of Community Action Agencies for low-income persons.

41. Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) carryover funding for the 2005 Neighborhood Conservation Services (NCS) Owner-Occupied and Investor-Owned Rehabilitation Programs.

(Council Communication No. 05-387)

42. Execution of federal documents to fund Community-Wide Petroleum Assessment of Des Moines Brownfields.

(Council Communication No. 05-400)

43. First Amendment to Urban Renewal Development Agreement with East Village Square Apartments, L.P.

(Council Communication No. 05-371)

44. Application for Enterprise Zone Benefits for Community Housing Development Corporation.

(Council Communication No. 05-401)

45. Extension of Agreement for Enhanced Parking System Customer Services and Related Programs between the City and Downtown Community Alliance for an additional one year to June 30, 2006.

46. Execution and submission of application to obtain release of approved grant funds for lining of storm sewers.

(Council Communication No. 05-397)

47. Shive-Hattery, Inc. to provide Parks Identification Signage Design Services, $19,590.

(Council Communication No. 05-389)
48. Communication from Downtown Community Alliance requesting approval on behalf of the United Way 2-1-1 Call Center to approve banner design for 100 banners in downtown on Locust and Eighth Streets to be displayed in February, 2006.

49. Employee Online Computer Training Agreement through Human Resources Department with MindLeaders, Inc., $35,875.

(Council Communication No. 05-374)


51. Bids from the following:

   (A) Charles Gabus Ford for one 15,000 GVW truck to be used by the Street Maintenance Division, $36,152.65. (Eleven bids mailed, five received).

   (B) Dewey Ford for one 15,000 GVW truck to be used by the Street Maintenance Division, $49,960. (Eleven bids mailed, five received).

   (C) TMC Auto Body for repair services to be purchased during fiscal year 2006 to be used by Fleet Maintenance Center, $40,000.

   (D) West Publishing for electronic research materials to be used by the Legal Department, $39,000.

   (E) Truck Country for two 56,000 GVW trucks. One to be used by the Park & Recreation Department and one to be used by Solid Waste Division. (Seven bids mailed, six received).

   (Council Communication No. 05-375)

   (F) G & L Clothing for annual contract plus two additional one year renewal options to furnish employee safety incentive clothing for Public Works Department. (Eleven bids mailed, two received).

   (Council Communication No. 05-376)

52. Civil Service Lists for the following:

   (A) Entrance List for Public Works Operations Manager.

   (B) Entrance Lists for Electrician, Firefighter, and Horticulture Technician, and Promotional Lists for Sewer Cleaning Equipment Operator and Senior Police Officer.
53. Authorizing Finance Director to draw checks on the registers of July 7, 2005 and July 14, 2005, and July 21, 2005; and to draw checks for the biweekly payroll due July 8, 2005 and July 22, 2005.

54. NUMBER NOT USED

ORDINANCES - FINAL CONSIDERATION


(A) Communication from the City Clerk, submitting applications received.

(B) Approving membership structure.

ORDINANCES - SECOND CONSIDERATION

56. Items regarding downzoning of property along the south side of the 1800 block of Euclid Avenue:

(A) Rezoning 1810 Euclid Avenue from “M-1” (Light Industrial) to Ltd. “C-2” (General Retail and Highway Oriented Commercial).

(B) Rezoning the balance of the property from “M-1” (Light Industrial) to “C-1” (Neighborhood Oriented Commercial)

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

ORDINANCES - FIRST CONSIDERATION


(Council Communication No. 05-392)

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

59. Vacating the east/west alley between 23rd Street and 24th Street, south of University.

   (A) Final consideration of ordinance above, (waiver requested by Legal Department), requires 6 votes.

60. Amending Chapter 2 of the Municipal Code regarding appointments to the Youth Advisory Board.

   (Council Communication No. 05-378)

   (A) Final consideration of ordinance above, (waiver requested by Council Member Vlassis) requires 6 votes.

60I. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

   (A) Corner Clearance-west side of SW 13th Place north of Elder Lane.
   (B) Corner Clearance-west side of 15th Street north and south of Bridal Row.
   (C) Corner Clearance-south side of Caulder Avenue east of SW 12th Place.
   (D) Corner Clearance-east side of east 8th Street north of east Douglas Avenue.
   (E) Corner Clearance-west side of east 9th Street south of East Seneca Avenue.
   (F) Corner Clearance-north side of Hillcrest Drive east of Lower Beaver Road.
   (G) Parking restriction to facilitate movement of solid waste vehicles-north side of Randolph Street from sw 12th Street to the dead end.
   (H) Installation of parking metered spaces-south side of Park Street between 6th Avenue and 7th Street.

COUNCIL REQUESTS

61. From Council Member Tom Vlassis, to discuss construction of a sidewalk in front of 3612 and 3700 Martin Luther King Jr. Parkway, and alongside 2501 Euclid Avenue.

62. From Council Member Archie Brooks to discuss possible legal action regarding Club Cancun, 900 E. Army Post Road.
COMMUNICATIONS/REPORTS

63. From Bob Wessel, 2719 Leach, to speak regarding the Des Moines Water Works.

64. From Richard C. Roberts, 5910 Tonka Avenue, requesting to speak regarding vacating of the 59th street alley-way which runs along his property.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 65 THRU 69)

65. On appeal from Prezont Jacques and Jennifer Sloan, regarding Administrative Hearing Officer’s decision regarding their dog.

66. On appeal from Trinity Meyers regarding Administrative Hearing Officer’s decision regarding his dogs.

67. On vacation and conveyance of portions of north/south alleys in two blocks between SE 6th and SE 7th Street bisected by Shaw Street, previously vacated portion of Shaw Street between SE 6th and SE 7th Street and the south ½ of Lot 5 north of and adjoining vacated Shaw Street, to James C. and Juliet Cunningham.

  (Council Communication No. 05-395)

(A) First consideration of ordinance above.

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

68. On vacation and conveyance of air rights over east/west alley adjoining 112-11th Street to Heritage Affordable Housing.

  (Council Communication No. 05-396)

(A) First consideration of ordinance above.

69. Items regarding Greenwood Park Rose Garden Walk:

(A) Resolution to REJECT all bids and close the hearing on plans, specifications, form of contract documents and Engineers estimate.
(B) Resolution Ordering Construction – Receiving of Bids, (8-2-05), and Setting Date of Hearing, (8-8-05). (Construction Estimate - $27,000).

** END HEARINGS AT ______ P.M.**

APPROVING

70. Recommendation from the Interim City Manager Responsibility Sub-Committee regarding Short-term Goals and Critical Issues, for the Interim City Manager.

71. Permanent appointment of Mike Matthes to Assistant City Manager, and temporary appointment of Merrill Stanley to Assistant City Manager.

72. Agreement with Iowa Natural Heritage Foundation for uniform signage and trail communication media planning for Des Moines and Central Iowa trails.

   (Council Communication No. 05-388)

73. Renaming Hawthorne Park, SE 14th Street and Railroad Avenue, next to the Des Moines River, to Pete Crivaro Park.

   (Council Communication No. 05-391)

74. Resolution of intent regarding redevelopment of the Shops at Eastgate (northeast corner of E. 14th Street and Euclid Avenue).

   (Council Communication No. 05-403)

75. CEBA Loan Application to the State of Iowa and Preliminary Terms of Economic Development Loan to Meredith Corporation for assistance in adding 70 new jobs to their Des Moines office.

   (Council Communication No. 05-372)

76. Statement of intent regarding support for proposed Federal Courthouse Campus expansion along Principal Riverwalk.

   (Council Communication No. 05-402)
BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:

   (A) 1915 Allison Avenue, Titleholder: 1915 Trust, Rod Wolford as Trustee; Contract Buyer: Sherri L. Fisher a/k/a Sherri Carpenter; Mortgage Holder: Citifinancial Mortgage Company.
   (B) 1107 Filmore Street, Titleholders: Jose A. Gallardo and Maria Rocha.
   (C) 1341 McCormick Street, Titleholder: Rhonda Robinson.
   (D) 125 E. Olinda Avenue, Titleholders: Kevin Heglin and Paula Preston; Mortgage Holder: Bank One National Association.
   (E) 1720 8th Street, Titleholder: Credit Suisse First Boston; Contract Buyer: Maria D. Cruz.
   (F) 4316 SE 8th Street, Titleholders: Jerry L. Polson, Sr. and Judith A. Polson.
   (G) 1234 9th Street, Titleholders: Robert Cook; Contract Buyers: Consuelo Lopez and Yolanda Lopez; Mortgage Holders: Norwest Bank Iowa, N.A. and Household Finance Industrial Loan Company of Iowa.
   (H) 1336 E. 16th Street, Titleholder: Jami L Hanson; Mortgage Holders: Wells Fargo Bank Iowa National Association and Wells Fargo Home Mortgage, Inc.
   (I) 4703 SW 16th Street, Titleholder: Lawrence R. Byers.
   (K) 1405 23rd Street, Titleholder: Roberto Campos; Mortgage Holders: Norwest Bank Iowa, N.A. and Ameriquest Mortgage Company.
   (L) 821 24th Street, Titleholders: Tuon Try and Phaly Tuon.
   (M) 1536 30th Street, Titleholder: SSW LLC; Mortgage Holder: Commercial Federal Bank, F.S.B.

2. The Engineering Department to cause the removal of the following structures:

   (A) 1710 De Wolf Street, Titleholder: La Mar D. Booker.
   (B) 1104 26th Street, Titleholder: SSW, LLC; Contract Buyer: Pat Andrews d/b/a Big Horn Properties; Mortgage Holder: Commercial Federal Bank.
   (C) 1002 40th Street, Titleholders: Jack A. Stuart and Mary Jo Stuart; Mortgage Holder: US Bank National Association.

COMMUNICATION

3. Communication regarding demolition cost reserve being held by Allied Insurance for the fire-damaged house located at 5241 McKinley Avenue.
MOTION TO ADJOURN AT ________________ P.M.

All-America City