DES MOINES CITY COUNCIL MEETING

January 27, 2003

CLOSED SESSION - 3:30 P.M.
REGULAR SESSION - 4:30 P.M.

I. (a) 3:30 - Roll Call.

(b) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa.

(c) Closed Session.

(d) Terminate closed session and reconvene in open session.

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PROCLAMATIONS - 4:15 P.M.:

(a) Character Development

(b) Family Financial Stability Month

INVOCATION: Reverend Tim Diebel, First Christian Church

1. ROLL CALL:

4:30 I. Neighborhood Based Service Delivery Presentation

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 74:

LICENSES AND PERMITS:
Approving

4. The following Beer/Liquor Applications:

NEW APPLICATIONS

(1) Mi Hoanh Thanh, 1022 E 12th Street, B Beer.
(2) Porkys Diner, 4444 Douglas Avenue, B Beer.
(3) Flying Mango, 4345 Hickman Rd., C Beer/Wine.
(4) Des Moines Botanical Center, 909 E Riverside Drive, C Liquor.
(5) Papilon, 2718 Douglas Avenue, C Liquor.

RENEWAL APPLICATIONS

(6) Caseys General Store #2244, 2150 E Army Post Rd., C Beer.
(7) Fareway Store #900, 100 E Euclid Avenue, C Beer.
(8) Git N Go Store #18, 6501 SE 14th Street, C Beer.
(9) Git N Go Store #27, 1240 Keosauqua Way, C Beer.
(10) Git N Go Store #28, 3274 E University Avenue, C Beer.
(11) Git N Go Store #29, 4900 Urbandale Avenue, C Beer.
(12) Nat Food Mart, 1443 2nd Avenue, C Beer.
(13) Tobacco Outlet Plus #521, 2601 E Euclid Avenue, C Beer.
(14) Waheguru Citgo, 2701 Ingersoll Avenue, C Beer.
(15) Bobs Sports Bar & Grill, 918 E Euclid Avenue, C Liquor.
(16) Cooneys Tavern, 3708 Beaver Avenue, C Liquor.
(17) El Vaquero, 3211 Indianola Avenue, C Liquor.
(18) Plaza Lanes, 2701 Douglas Avenue, C Liquor.
(19) Plaza Mexico Mexican Restaurant, 3841 E 14th Street, C Liquor.

(20) Sambettis, 1430 2nd Avenue, C Liquor.

(21) Southport Sports Bar, 1101 Army Post Rd., C Liquor.

(22) Yee Ho Garden, 520 Army Post Rd., C Liquor.

(23) Fareway Store #900, 100 E Euclid Avenue, B Wine.

(24) Git N Go Store #27, 1240 Keosauqua Way, B Wine.

TRANSFER TO NEW LOCATION


SPECIAL EVENTS APPLICATIONS

(26) Seniom Sed, 555 Walnut Street, B Beer. For Skywalk Golf Open on February 1, 2003 at the Kaleidoscope at the Hub. Subject to submission of acceptable Building inspection.

5. Tonys Touch of Class, 1016 University Avenue, C Liquor. Deferred from January 6, 2003 Council Meeting. (Recommendation from Zoning to DENY license).


7. City Clerk to issue Cigarette Licenses.

8. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

9. Approving preconstruction agreement with IDOT for the Keo Way (Birds Run) Phase 1 Storm Sewer Outlet Project.

(Council Communication No. 03-046)

10. Approving agreement with IDOT to allow the use of University Avenue and Merle Hay Road as a temporary detour route during resurfacing project on 63rd Street (Iowa 28) between University Avenue and Hickman Road.

(Council Communication No. 03-047)
11. Approving private construction contract between Palmer Plumbing LLC (Robert S. Palmer, Operating Manager, Clive) and 2901 Grand Condominiums LLC (Craig Mattille, Member, Cedar Rapids) to install a storm sewer manhole to service storm water runoff for 2901 Grand Avenue, $2,600.

12. Approving professional services agreement with Barker Lemar Engineering Consultants (Tracy S. Lemar, CEO) to provide design and construction phase services for the WRA Metro Solid Waste Biosolids Storage Area Project, not to exceed $82,900.

(Council Communication No. 03-044)

13. Approving Change Order Nos. 1, 2 and 3 with J.F. Edwards Construction Co. (John Edwards, President, Genesco, IL) for additional work in conjunction with the IDOT Combined Traffic Signal Interconnect Program, not to exceed $175,559.08.

(Council Communication No. 03-049)

14. Resolution Ordering Construction of the following:

(A) Central Place Sanitary Sewer Televising Program, Receiving of Bids, (2-18-03), and Setting Date of Hearing, (2-24-03). (Construction Estimate - $74,250).

(B) Ingersoll Avenue Traffic Signals - 28th Street to 42nd Street, Receiving of Bids, (2-18-03), and Setting Date of Hearing, (2-24-03). (Construction Estimate - $359,000).

(C) Market Street Sanitary Sewer Relocation - SW 3rd Street to SW 4th Street, Receiving of Bids, (2-18-03), and Setting Date of Hearing, (2-24-03). (Construction Estimate - $135,000).

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

(A) Argonne Armory Drainage Corrections, $2,375 is now due and $2,541.08 remaining balance payable at the end of 30 days.

(B) Fort Des Moines Cabin Restoration, $2,374.50 remaining balance payable at the end of 30 days.

(C) Hubbell Avenue Bridge over Four Mile Creek, $1,392 is now due and $30,000 remaining balance payable at the end of 30 days.

(D) Laurel Hill Basketball Court Improvements, $12,206.55 is now due and $2,688.95 remaining balance payable at the end of 30 days.

(E) Merle Hay Road Widening at University Avenue, $12,683.56 is now due and $3,350.31 remaining balance payable at the end of 30 days.
(F) Park Avenue Widening at SW 42nd Street, $5,445 is now due and $15,524.77 remaining balance payable at the end of 30 days.

(G) Waveland Clubhouse Window and Door Replacement, $4,088.30 remaining balance payable at the end of 30 days.

(H) WRF Variable Frequency Drive Replacement, $15,427.85 is now due and $5,332 remaining balance payable at the end of 30 days.

(I) 401 SE 6th Street Chemical Removal (Irwin Chemical Building), $32,623.33 is now due and $4,047.19 remaining balance payable at the end of 30 days.

SPECIAL ASSESSMENTS

16. Resolution Levying Assessments for Costs of Nuisance Abatement -NAC Emergency Orders (Community Development) for the following:

(A) Schedule No. 2003-01.

(B) Schedule No. 2003-25.

(C) Schedule No. 2003-50.

(D) Schedule No. 2003-75.

LAND/PROPERTY TRANSACTIONS

17. Approving final Subdivision Plat entitled BROADWAY BUSINESS PARK PLAT 2 in vicinity of Highway 65 and NE Broadway subject to receipt and approval by Polk County.

(Council Communication No. 03-032)

18. Approving final Subdivision Plat entitled HILLSBORO PLAT 2 located in vicinity of East Luster Lane and East 23rd Street.

(Council Communication No. 03-024)

19. Release of Subdivision Bond No. IAC 28010 from Merchants Bonding Company (Mutual) in amount of $11,473 as security for completion of required sidewalk improvements for AIRPORT COMMERCE PARK WEST PLAT 3.

(Council Communication No. 03-043)
20. Release of certified Check No. 028052392 from West Bank in amount of $5,841 as security for completion of required sidewalks and erosion control for SOUTHERN MEADOWS PLAT 2.

   (Council Communication No. 03-030)

21. Approving reduction of Subdivision Bond No. IAC 25954 from Merchants Bonding Company, (Mutual), from $149,952 to $74,976, for estimated cost of completing required sidewalk and erosion control, as security for satisfactory completion of remaining improvements for EASTER LAKE POINTE PLAT 2.

   (Council Communication No. 03-059)

22. Approving reduction of Bond No. IAC 24392 in amount of $96,384 from Merchants Bonding Company for estimated cost of completing the required sidewalk improvements and erosion control be reduced to $15,881 as security for remaining sidewalks to be constructed for AIRPORT COMMERCE PARK WEST PLAT 1.

   (Council Communication No. 03-031)

23. Approving reduction of Subdivision Bond No. IAC 29985 in amount of $67,645 from Merchants Bonding Company (Mutual) for estimated cost of completing required sidewalk improvements be reduced to $26,280 as security for satisfactory completion of remaining sidewalk improvements for MEADOWLANDS PLAT 1.

   (Council Communication No. 03-053)

24. Approving reduction of Subdivision Bond No. IAC 25953 in amount of $48,950 from Merchants Bonding Company (Mutual) for cost of completing required sidewalk and final erosion control improvements be reduced to $29,425 as security for satisfactory completion of remaining improvements for EASTER LAKE ESTATES PLAT 5.

   (Council Communication No. 03-036)


   (Council Communication No. 03-033)

27. Replacement Quit Claim Deed for a portion of East Seventh Street between Fremont and Filmore Streets and a portion of Filmore Street between East Sixth Avenue and East Seventh Street to Des Moines Independent Community School District.

28. Establish revised fair market value for 200 SW 16th Street (DICO, INC.) in conjunction with the Martin Luther King, Jr. Parkway Project, $181,000 plus closing costs.

29. Establish fair market value and authorize acquisition for properties located at 1716 & 1804 SE 35th Street and 1604-1724 SE 37th Street for the Agrimergent Technology Park Project by gift, negotiation, or condemnation, $96,600 plus closing costs.

30. Purchase of 411-423 East Grand Avenue in the Eastern Gateway from Neighborhood Improvement Corporation, not to exceed $249,631.68 plus closing costs.

31. Purchase of 1021 Locust & 1100 Grand Avenue in the Western Gateway from Des Moines Development Corporation and Neighborhood Improvement Corporation, $175,001 plus closing costs.

32. Approve and accept real estate documents for 5405 SW 9th and 5706 SW 9th for the SW 9th Street Widening at Porter Avenue Project, $2,286 plus closing costs.

33. Approve and accept real estate documents for 4720 Fleur Drive for the Northeast Runway Protection Zone for Runway 5/23 Project, $290,000 plus closing costs and relocation costs.

34. Approve and accept real estate documents for the Upper Union Park Sewer separation project, closing costs only.

35. Authorization to proceed with necessary activities to acquire by purchase, gift or condemnation the necessary right-of-way for the Upper Union Park Sewer Separation Project - Phase II.

**BOARDS/COMMISSIONS/NEIGHBORHOODS**

36. Recommendation of Council Member Archie Brooks to appoint Nick Iaria to the vacated seat of John Mauro on the City-County Consolidation Charter Commission.

37. Communication from Mark L. Smith submitting his resignation from the Central Iowa Employment and Training Consortium (CIETC) and a recommendation from Council Member
Vlassis to appoint Dan Albritton.


41. Receipt of City Boards and Commissions Attendance Reports.

42. Appointment of John Ruan III as an Alternate to the Metropolitan Planning Organization (MPO).

CITY PLAN COMMISSION RECOMMENDATIONS

43. Regarding request from Kim Flippo, 2706 E. 35th Street for vacation and conveyance of E. Sheridan Avenue from E. 35th to E. 36th, (Plan and Zoning Commission recommends DENIAL).

SETTING DATE OF HEARINGS

44. On 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), (2-10-03).

45. On request from Science Center of Iowa, to rezone property generally between SW 3rd and SW 5th, north of SW Martin Luther King Jr. Parkway, and south of Market Street, from "C3-R" (Central Business District Mixed-Residential) to "PUD" (Planned Unit Development), and approval of the PUD Conceptual Plan subject to modifications, (2-10-03).

46. On request from Neighborhood Development Corporation to rezone property at 601 Forest Avenue from "C-1" (Neighborhood Retail Commercial District) to Ltd. "NPC" (Neighborhood Pedestrian Commercial District) subject to conditions, (2-10-03).

47. On conveyance of property in the vicinity of 2808 E. 35th Street, to Jodine Kingery, as part of the negotiated agreement for property interests required for the Gay Lea Wilson Recreational Trail, (2-10-03).

48. On vacation and conveyance of N/S alley adjoining 802 Gray Street to Bonnie Sullivan for $25, (2-10-03).
49. On issuance of Stormwater Management Utility Revenue Bonds not to exceed $10,000,000 --
to be used for construction of storm water detention basin south of Easton Boulevard at East 26th
Street, related beautification and landscaping amenities, associated access-related improvements
to East 26th Street and improvements within the Closes Creek watershed system, (3-10-03).

(Council Communication No. 03-051)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

50. Approving payment of $27,000 to the Estate of Jerome Mozee for settlement of claim.

51. Approving payment of $20,809.80 to Michael Conner for settlement of a workers
compensation claim for injuries sustained during course and scope of his employment.

52. Approving payment of $30,000 to Steven Lundberg for settlement of a workers
compensation claim for injuries sustained during course and scope of his employment.

53. Approving payment of $2,994.06 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee,
P.C. for environmental law counsel services to the City in conjunction with the acquisition and
litigation regarding environmentally contaminated properties for the Martin Luther King, Jr.
Parkway project (DICO).

54. Approving payment of $2,142.17 to Harry Perkins of Patterson, Lorentzen, Duffield,
Timmons, Irish, Becker & Ordway for representation of Officer Terry Mitchell in case of Joyce
Wilson and Val Wilson, Jr. as Administrators of estate of Jerome LeRoy Mozee vs. City of Des
Moines, Joseph Morgan and Terry Mitchell.

55. Approving payment of $1,405.23 to William Jenkins and the law firm of Myers & Jenkins
for outside counsel retained to represent the City in the Trans World Airlines, Inc. bankruptcy
and in the UAL Corporation bankruptcy.

56. Approving payment of $285 to Hedberg, Owens & Hedberg, P.C. for representation of
Officer Brent Hommer in a Grand Jury investigation.

57. Approving payment of $465.50 to Nyemaster, Goode, McLaughlin, Voigts, West, Hansell &
O'Brien P.C. for services relating to collective bargaining.

CITY MANAGER COMMUNICATIONS

58. Submitting various 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.

(Council Communication No. 03-048)

59. Submitting out-of-state travel for Bruce Bergman, Thomas Turner, Keith Ellis, Phil Koundakhian, Roger Craig, Bill Miller, Linda Main, Robert Kraft, Larry Davey, Tim Luloff, David Keenan, Rick Moody, James Grant, Kathy Kahoun and Larry Hulse.

(Council Communication No. 03-026)

APPROVING

60. Approving Agreement with RDG Crose Gardner Shukert, Inc. for consulting services in coordination and preparation of the revised Zoning Ordinance.

(Council Communication No. 03-050)

61. Acceptance of the following Skywalk Bridges and Corridors:

(A) Skywalk Bridges 7C-8C over Eighth Street and 8B-8C over Mulberry Street and Skywalk Corridors through Wells Fargo Financial, Inc. Building.

(B) Skywalk Corridor through Employers Mutual Casualty Company Building.

(C) Skywalk Corridors through The Hubbell Building.

(D) Skywalk Corridors through the Federal Home Loan Bank of Des Moines property.

(Council Communication No. 03-045)

62. First one-year renewal option with The CBE Group, Inc. for extension of collection services contract until March 1, 2004.

63. Authorization to proceed with RFP for vendor services to receive, recycle, dispose and demanufacture appliances collected by the Public Works Department.

64. Emergency Historical Resource Development Program Grant for $4,000 to conduct
archaeological excavation on the site of the Science Center of Iowa.

(Council Communication No. 03-034)

65. Certificate of Completion to River Bend Duplexes, L.P. for renovations to disposition parcel 97-A in the Metro Center Urban Renewal Area (1233 and 1243 Seventh Street), and release of Good Faith Deposit of $750.

(Council Communication No. 03-035)

66. Second Renewal of Insurance Agent/Broker Services Contract with Jester Insurance Services, Inc. for one-year, beginning March 1, 2003 and ending February 29, 2004 in an amount not to exceed $25,000.


(Council Communication No. 03-029)


71. Legislative Update for the 80th Iowa General Assembly.

72. Civil Service Entrance Lists for the following:

(A) Radio Technician

(B) Police Chief

73. Bids for the following:

(A) Mid-States Ford (Marvin Perry, President, Waukee) for four emergency response vehicles to be used by the Fire Department, $80,412.68. (Twelve bids mailed, six received).

(Council Communication No. 03-025)

(B) NUMBER NOT USED.

(C) Helmuth Repair (Floyd Helmuth, President, Kalona) for a bio-spreader to be used by the Wastewater Reclamation Facility, $26,248. (Ten bids mailed, two received).
(D) Office Depot Business Services Division (Jerry Hoffman, District Manager, WDM) for annual contract with two renewal options for office supplies for City Departments. (Eight bids mailed, six received).

74. Authorizing Finance Director to draw checks on the registers of January 31 and February 7, 2003; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 27 and February 3, 2003; and to draw checks for the biweekly payroll due on February 7, 2003.

ORDINANCES - SECOND CONSIDERATION

75. Amending Chapter 26 of the Municipal Code regarding real estate installment contract sales inspections.

ORDINANCES - FIRST CONSIDERATION

THIS ITEM HAS BEEN DEFERRED TO THE 2-10-03 CITY COUNCIL MEETING

76. Approving fees for pawnbroker and secondhand goods dealer licenses to be included in the Schedule of Fees.

(A) First consideration of ordinance amending chapter 30 of the Municipal Code regarding pawnbrokers and secondhand goods dealer licenses.

(Council Communication No. 03-054)

77. Approving an impounding and preservation fee for vehicles impounded by the City, to be included in the Schedule of Fees.

(A) First consideration of ordinance amending chapter 114 of the Municipal Code establishing an impound and preservation fee.

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

78. Amending seat assignment on the Neighborhood Revitalization Board, adding a Neighborhood Development Corporation Board member.

(A) First consideration of ordinance amending Chapter 82 of the Municipal Code to amend seat criteria and provide for recommendation of eligible candidates for open positions on the Board.

79. Amending various traffic regulation changes as follows:
(1) Corner Clearance--North Side of Franklin Avenue, West of Beaver Avenue.

(2) New Intersection Parking Restrictions--Ingersoll Avenue and Martin Luther King Jr. Parkway.

(3) Corner Clearance--South Side of Elm Street, East of SW 2nd Street.

COMMUNICATIONS/REPORTS

79-I From Scott Brunscheen, 4025 Tonawanda Drive, regarding the Greater Des Moines Cultural Alliance.

HEARINGS (Opened at ______ P.M.) (Items 80 thru 83)

80. On continued lease of parking lot at the northwest corner of E. 33rd and Easton Blvd. to St. Joseph's Church, $350 per year for 5 years.

(Council Communication No. 03-040)

81. On lease of retail space W-5 in the 7th and Grand Parking Garage to Josefina Orozco and Wendee Griffin d/b/a Ray's Barbershop.

(Council Communication No. 03-041)

82. On continued lease of property in the vicinity of 6th Avenue and Holcomb to Consolidated Supply of Des Moines, $250 per year for 5 years, plus maintenance.

(Council Communication No. 03-039)

83. On conveyance of entire 19th Street right-of-way between Olive Street and I-235 to the State of Iowa for I-235 reconstruction.

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

APPROVING

84. First Amendment to Governmental Lease-Purchase Agreement between the City and Banc of America Leasing and Capital, LLC for an increase of maximum purchase price from $5,000,000 to $6,000,000 in conjunction with Supplement No. 8 for financing of nine recycling vehicles for use by Public Works Solid Waste Division.
85. Change in procedure to determine interest rate applied to special assessments.

86. Amendment extending administrative services with Principal Life Insurance Company for the purpose of retiring any open claims by June 30, 2003.

87. Contract with Emerging Solutions (Gregory Lewis, President, Chicago, IL) for upgrade of Financial/Accounting software, $279,000 and MSI (Mike Lang, President, WDM) for upgrade of Payroll/Human Resources software, $150,000.

88. Recommendation on results of RFP for review and analysis of City's Health Insurance Plan for employees and retirees.

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.

AGENDA

BOARD OF HEALTH
January 27, 2003

MOTION TO CONVENE
AUTHORIZING

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

(A) 737 Hull Avenue, (vacant), Titleholders: Ronald Eshelman, Jr. and Waynetta Eshelman and Legal Interest Holders: Discount Mortgage, Inc., EquiCredit Corporation and Dennis Bloom d/b/a Tax 131.

(B) 2602 Logan Avenue, (vacant), Titleholder: Constance Neel and Legal Interest Holder: Mortgage Electronic Registration System, Inc.

(C) 1253 E. 17th Court, (vacant), Titleholder: William Collier.

COMMUNICATION

2. Communication regarding demolition cost reserve escrowed for 843 40th Place.

MOTION TO ADJOURN at _______ P.M.

Des Moines - City of Skywalks