DES MOINES CITY COUNCIL MEETING

August 19, 2002
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 of the Code of Iowa.

(c) Closed Session.

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

(e) Motion to recess and reconvene at 4:30 P.M.

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SPECIAL PRESENTATIONS - 4:15 P.M.:

(a) Recognition of Mathri Thannikkotu - Miss Iowa National Preteen

(b) Welcoming visitors from China

INVOCATION: Pastor John Chadwick, Grace Lutheran 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) Garibaldi Mexican Restaurant, 1246 E 14th Street, B Beer.

(2) TNT Vietnamese Restaurant, 3452 Martin Luther King Jr. Pkwy., B Beer.

(3) Blue Ridge Diner, 5418 Douglas Avenue, C Liquor.

(4) Jazzy Willys, 5715 Douglas Avenue, C Liquor.

(5) La Casita Taco, 2327 Euclid Avenue, C Liquor.

(6) Polk County Convention Center, 501 Grand Avenue, C Liquor.

RENEWAL APPLICATIONS

(7) Tobacco Outlet Plus, 4821 SW 9th Street, C Beer.

(8) Number 1 Chinese Restaurant, 2414 University Avenue, C Beer/Wine.

(9) AMF Des Moines Lanes, 3839 E 14th Street, C Liquor.

(10) Antlers Lounge and Grill, 414 E 6th Street, C Liquor.


(12) Des Moines Club, 666 Grand Avenue, C Liquor.

(13) Fraternal Order of Eagles, 6567 Bloomfield Rd., C Liquor.

(14) Pal Joeys, 6224 Grand Avenue, C Liquor.

(15) Pd's Pub, 3801 SW 9th Street, C Liquor.

(16) Suds on 2nd, 2801 2nd Avenue, C Liquor.

(17) Waveland Coffee Shop, 4704 University Avenue, C Liquor.

(18) Yo Yo's Bar & Grill, 2400 Dean Avenue, C Liquor.

(19) Des Moines Club, 666 Grand Avenue, B Wine.

TRANSFER TO NEW LOCATION
(20) Blues on Grand, Temporary transfer of C Liquor License from 1501 Grand Avenue to 400 4th Street, Kirkwood Civic Center Hotel, on September 1, 2002 for a Blues Fest. Pending Building and Fire inspections.

OUTDOOR SERVICE APPLICATIONS

(21) Cockeyed Corner, 2301 Hubbell Avenue, C Liquor, Temporary Outdoor Service area on September 14, 2002 for a barbecue. Pending Building, Electrical, Zoning and Fire inspections.

(22) Michaels Restaurant & Lounge, 4041 Urbandale Avenue, C Liquor, Temporary Outdoor Service area in conjunction with the Beaverdale Fall Festival on September 20, 21 and 22, 2002. Pending Building and Fire inspections.

SPECIAL EVENT APPLICATIONS

(23) Brewfest, 410 Court Avenue, B Beer, Five Day application for the Brewfest on August 31, 2002 and September 1, 2002. Pending Building inspection.

(24) Science Center of Iowa, 4500 Grand Avenue, C Liquor, Five Day application for fundraising event on August 23, 2002. Pending Building inspection.

5. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

6. Approving submission of applications to the Iowa Department of Transportation for Traffic Safety Funds to cover a portion of construction costs for the following:

(1) SE 14th street (US 69) and East Indianola Avenue Right Turn Lane and Traffic Signal Modifications.

(2) Arterial Street Traffic Signal Visibility Improvements.

(3) Merle Hay Road and Aurora Avenue Signal Upgrade.

(Council Communication No. 02-455)


(Council Communication No. 02-448)

8. Approving Change Order No. 2 with Western Waterproofing Co., Inc. for minor masonry repair work at City Hall, Armory, and Police Station to be completed by change order to the
Court Avenue Bridge over Des Moines River Railing Repairs Contract, in the amount of $24,745.

(Council Communication No. 02-453)

9. Approving extensions of time in conjunction with the demolition of 401 SE 6th Street (former Irwin Chemical Building) from the following:

(A) Hydro-Klean (Wayne Shaw, Vice President, DSM) for additional chemical removal and disposal.

(B) Pro Environmental Abatement (Robert Jorgenson, President, DSM) for delay of asbestos removal work due to additional chemical removal and disposal.

(C) Wicker Demolition (Linda Wicker, Owner, DSM) for delay of demolition work due to additional chemical removal and disposal.

10. Approving the following items in conjunction with the Blank Park Zoo Gift Shop Addition and Remodeling Contract:

(A) Change Order No. 1 with Downing Construction, Inc. (D. Robert Downing, President, Indianola) for additional work in an amount not to exceed $57,650.00.

(Council Communication No. 02-438)

(B) Request for extension of time.

(C) Permission to sublet.

11. Approving Iowa Department of Transportation Preconstruction Agreement for the 2nd Avenue and 3rd Street Bridge Reconstruction.

(Council Communication No. 02-451)

12. Resolution Ordering Construction of the following:

(A) 2002 Traffic Signal Modifications, Receiving of Bids, (8-27-02), and Setting Date of Hearing, (9-9-02). (Construction Estimate - $50,000.00).

(B) University Avenue Median Modifications at 2nd Avenue and 6th Avenue, Receiving of Bids, (8-27-02), and Setting Date of Hearing, (9-9-02). (Construction Estimate - $38,000.00).

13. Approving Private Construction Contract for construction of Street Improvements for a bus drop-off lane and sidewalk at west side of 37th Street to service Greenwood Elementary School
at 316 37th Street between Double T Asphalt Co., Inc. (Kathleen B. Burris, Pres, Pleasant Hill), Contractor and Des Moines Public Schools, (Duane Van Hemert, Executive Director-Facilities, DSM), Owner.

14. Communications from J. F. Edwards Construction Co. and Corell Contractor, Inc. requesting permission to sublet certain items on public improvement projects.

15. Approving partial payments on seventeen public improvement projects. (Call City Clerk's Office for listing).

15-I Approving request from Taylor Construction Group, L.L.C., for extension of time - to September 10, 2002, to complete the Masonic Temple Sidewalk Reconstruction Project.

SPECIAL ASSESSMENTS

16. Authorizing the Engineering Department Staff to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for July 2002.

17. Approving delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of July 2002 for certification to the Polk County Treasurer.

18. Resolution levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) of the following:

   (A) Schedule No. 2002-07.

   (B) Schedule No. 2002-29.

   (C) Schedule No. 2002-54.

LAND/PROPERTY TRANSACTIONS

19. Establishing Fair Market Value and authorizing acquisition of property located at 200 SW 16th Street (DICO) for the Martin Luther King, Jr. Parkway Project by gift, negotiation, or condemnation, (amount available on Monday).

20. Approve and accept real estate documents for 2814 Chicago Avenue, 2935 Mahaska Avenue, 2940 State Avenue, and 2801 Cleveland for the 7th Ward Ditch Project, (closing costs only).


22. Approve and accept real estate documents for 3600 - 30th Street (Veterans Administration) for the 2001 Intermediate Paving Project, $600 plus closing costs.

23. Approve and accept real estate documents for corner of East 18th Street and Easton
Boulevard for the I-235 Sanitary Sewer Relocation Project - Group 3, (closing costs only).

24. Approve and accept real estate documents for property located at 950 - 17th Street (Iowa Methodist Medical Center) for the I-235 Day Street Sanitary Sewer Relocation Project, $6,321 plus closing costs.

25. Approve permanent easement for storm sewer right of way in and across McHenry Park as a part of the 8th Street Intake Removal-South of Euclid Project.

   (Council Communication No. 02-443)

26. Approving Lease ending March 31, 2005, with Court Avenue Brewing Company, 309 Court Avenue, for use of City-owned property for a sidewalk cafe.

   (Council Communication No. 02-440)

27. Approval of final subdivision plat entitled Airport Business Park Plat 2, located in vicinity of Register Drive and Gannett Avenue.

   (Council Communication No. 02-456)

BOARDS/COMMISSIONS/NEIGHBORHOODS

28. Communication from Paulette Wiley advising of her resignation from the City-County Consolidation Charter Commission.

   (A) Recommendation of Council Member Mike McPherson to appoint Ronnene Harris to vacated seat of Paulette Wiley on the City-County Consolidation Charter Commission.

29. Recommendation of Mayor Preston Daniels to appoint Rose A. Vasquez to Seat 3 on the Water Works Board of Trustees for a six year term commencing April 1, 2001 to expire April 1, 2007.

30. Communication from Richard Seely advising of his resignation from the Architectural Advisory Committee, (Seat #2) effective August 15, 2002.

STREET CLOSURES

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

   (1) Kimberly Billings, representing Cockeyed Corner Bar, requesting permission to close Elizabeth Street from E 23rd Street to the alley on Saturday, September 14, 2002 from 3:00 PM to 12:00 AM for barbecue party with band.

   (2) Brenda Geier, representing Beaverdale Fall Festival, requesting permission to close Fagen Drive from Beaver Avenue to 2nd Drive of First American Bank from 6:00 PM September 20th
to 10:00 PM September 21st for the Beaverdale Fall Festival.

(3) Sheila Bormann, representing 39th Street Neighborhood, requesting permission to close 39th Street from Urbandale to 40th on Monday, September 2, 2002 from 3:00 to 7:00 PM for a neighborhood block party.

(4) Lori Smith, representing Lawnwoods Neighborhood, requesting permission to close Lawnwoods from Madison to Fleming on Saturday, September 14, 2002 from 6:00 to 10:00 PM for a neighborhood block party.

(5) Bonnie Green, representing Gilmar Park Neighborhood, requesting permission to close 44th Street from Ingersoll to Harwood and Woodland from Harwood to 44th Street on Sunday, September 1, 2002, raindate of Monday, September 2, 2002, from 4:00 to 10:00 PM for a neighborhood block party.

(6) Ali Brackett, representing Hoyt Sherman Place Foundation, requesting permission to close Woodland Avenue from 15th Street to 16th Street on Monday, September 2, 2002 from 1:00 to 8:00 PM for a fundraiser for Hoyt Sherman Place Theater.

(7) Shirley Brunk, representing Maryland Pike Neighborhood, requesting permission to close Maryland Pike from Beavercrest to Holland Drive on Saturday, September 7, 2002 from 12:00 to 10:00 PM for a neighborhood block party.

(8) Nancy Dunbar, representing 46th Street Neighbors, requesting permission to close 46th Street from Urbandale Avenue to New York on Saturday, September 14, 2002, raindate of Sunday, September 15, 2002, from 4:00 to 9:00 PM for a neighborhood block party.

(9) Elizabeth Stamper, representing 44th Street Neighborhood, requesting permission to close 44th Street from University to Kingman on Saturday, September 7, 2002 from 4:00 to 10:00 PM for a neighborhood block party.

(10) Joan Hall, representing SW 33rd Street Neighborhood, requesting permission to close SW 33rd Street from Park Avenue to Wolcott on Saturday, September 14, 2002 from 6:00 to 11:00 PM for a neighborhood block party.

(11) Bridget Montgomery, representing Wallace Lane Neighborhood, requesting permission to close 4030 to 4116 Wallace Lane on Saturday, September 7, 2002 from 10:00 AM to 12:00 AM for a neighborhood block party.

(12) Doug Olson, representing 45th Street Neighborhood, requesting permission to close 45th Street from Kingman Boulevard to University Avenue on Sunday, September 8, 2002 from 4:00 to 7:35 PM for a neighborhood ice cream social.

(13) April Ackelson, representing Boston Neighborhood, requesting permission to close Boston Avenue from 5th Avenue to 6th Avenue on Sunday, September 1, 2002, raindate of Saturday, September 21, 2002, from 2:00 to 8:00 PM for a neighborhood block party.
CITY PLAN COMMISSION RECOMMENDATIONS

32. On Council-initiated request for vacation and conveyance of the north/south alley between 24th and 25th, from School to Kingman, subject to completion of the improvements by the IDOT on Kingman and Cottage Grove, and release of the excess right-of-way along Kingman Blvd to the City.

SETTING DATE OF HEARINGS

33. On Notice of offering and intent to accept Developer-Initiated Development Proposal from Neighborhood Development Corporation to develop portions of Disposition Parcel No. 97-A (6th and University) in Metro Center Urban Renewal Project, (9-23-02)

(Council Communication No. 02-454)

34. On request from Tulip Hill Designs, to amend the "R-6" Preliminary Plan and Final Development Plan, for the "Southern Hills" development, 2950 SW 30th Street, to allow development of 3 bi-attached single-story ranch style townhome structures, (9-9-02)

35. On amendment to the PUD Conceptual Plan titled "Grandview Plaza", 3325 E. Douglas, changing plan title to "Timberbrook Terrace" and to amend the proposed development for a portion of the property from a retail center to a hospice care facility, (9-9-02).

36. On recommended DENIAL of request from Dan Tollenaar, to rezone property at 4405 University from "R-3" (Multiple Family Residential) to "C-0" (Commercial-Residential District), (9-9-02).

37. On Supplement No. 8 to the Governmental Lease-Purchase Master Agreement, with Banc of America Leasing & Capital LLC, $934,722, for acquisition of nine recycling vehicles, (9-9-02).

(Council Communication No. 02-429)

38. On vacation of the following City property, (9-9-02):

(A) Grand to Locust, 11th to 12th, for the Library.

(B) Grand to Locust, 12th to 13th, for the Higher Education and Learning Center.

39. On conveyance of 9 properties in the Frisbie Park area, to RM Madden Construction Inc., to be used for single family infill housing, $69,480, (9-9-02).
LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

40. Approving payment of $1,189.73 to Duncan, Green, Brown, Langeness & Eckley for representation of the City in matters relating to the airport parking garages.

41. Approving payment of $926 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for environmental law services in connection with the acquisition and litigation regarding environmentally contaminated properties for the Martin Luther King, Jr. Parkway Project (DICO).

42. Approving payment of $1,335.02 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for legal counsel on various issues regarding the Des Moines International Airport, including bond matters and issues involving the Meredith Corporation loan agreement.

CITY MANAGER COMMUNICATIONS

43. Submitting out-of-state travel requests for Carl Elshire, and Eric Anderson.

44. Submitting various traffic regulations as follows:

(1) Corner Clearance-West Side of SW 60th Street North of Muskogee Avenue.

(2) Repeal 20-Ton Load Limit-SW 9th Street Viaduct over Martin Luther King, Jr. Parkway.

APPROVING

45. Approving Federal Aviation Administration AIP Grant Agreement, for Airport Security Enhancement, $820,000.

46. Receipt of Notice from the Airport Board regarding proposed amendment to Airport Regulation No. 02-38, Revision to Employee Parking Fees effective November 1, 2002.

47. Twentieth (20th) Annual Boards and Commissions Appreciation Dinner, Thursday, May 8, 2003 at the Airport Holiday Inn, 6111 Fleur Drive, and authorizing staff to sign an agreement.

48. West Des Moines State Bank Grant Application for Federal Home Loan Bank Affordable
Housing Program to fund construction component of the Owner-Occupied Minor Rehabilitation Program.

49. Bankers Trust Company, N.A. Grant Application for Federal Home Loan Bank Affordable Housing Program to fund construction component of the Owner-Occupied Minor Rehabilitation Program.

50. Request to issue a Request for Proposals (RFP) to obtain proposals for employer and employee paid life insurance and Accidental Death and Dismemberment Insurance.

   (Council Communication No. 02-428)

51. Cooperative Agreement with the U.S. Environmental Protection Agency to access $45,000 in Federal Funds related to Incorporate Smart Growth in the Des Moines Agrimergent Technology Park.

   (Council Communication No. 020-435)


53. Fiscal Years 2001/2002 and 2002/2003 Iowa Department of Cultural Affairs Cultural Enrichment Grant (CEG) Contracts and an addendum to Fiscal Year 2001/2002 to be used to further support educational and horticultural programs at the Des Moines Botanical Center.

   (Council Communication No. 02-442)

54. Approving Grant Applications submitted to the Prairie Meadows Racetrack and Casino Community Betterment Awards program to be used for replacement, restoration and renovation of the Woodland Cemetery fencing, the Woodland Cemetery Receiving Vault and the Fort Des Moines Cabin.

   (Council Communication No. 02-444)

55. Development Agreement with Woodland Avenue Partners, L.P. and U.S. Bancorp Community Development Corporation for development of Woodland Avenue Brickstone Apartment Project for at least fifty-four (54) dwelling units in vicinity of 15th and Woodland Avenue.

   (Council Communication No. 02-446)

   (A) Execution of Home Investment Partnerships Program Project Agreement for Woodland Avenue Brickstone Development Project.

56. Second amendment to the Development Agreement with Airport Commerce Park West, L.C.
for City funds of $1.5 million over three years for reimbursement to Principal to locate back-office service operations at 6200 Park Avenue (McLeod Facility).

(Council Communication No. 02-433)


58. Bids for the following:

(A) American Electronics Appliances (Steve Archer, Contract Manager, Johnston) and second low compliant bidder, Stogdills TV & Appliance (James Stogdill, President) for an annual contract with two additional one year renewal options to furnish refrigerator and freezer replacement and removal services to the Community Services Division. (Seven bids mailed, two bids received; See Roll Call for prices).

(Council Communication No. 02-445)

(B) O'Halloran International (Jim O'Halloran, President) for nine recycling vehicles for use by the Solid Waste Division, $934,722. (Eleven bids mailed, three bids received).


60. Authorizing Finance Director to draw checks on register of August 23, August 30, September 6, 2002; bills of the Des Moines Municipal Housing Agency for the weeks of August 19, August 26, and September 2, 2002 and biweekly payroll due employees of the City on August 23 and September 6, 2002.

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

ORDINANCES - FIRST CONSIDERATION


(Council Communication No. 02-430)

62. Amending Chapters 2, 82 and 102 of the Municipal Code to create a new Urban Design Review Board and Skywalk Committee, to perform the duties formerly held by the Architectural Advisory Committee, Urban Development Board and Skywalk Committee.

(A) Amending Chapter 58 of the Municipal Code regarding designation and alteration of landmarks and landmark sites.

(Council Communication No. 02-457)
COUNCIL REQUESTS

63. From Mayor Daniels to discuss user fees for the Stoner Theater in the Civic Center and use of Nollen Plaza facilities.

64. From Council Member Archie Brooks regarding the intersection of E. 5th and Des Moines Street.

65. From Council Member Chris Coleman regarding the Youth Advisory Coordinating Board.

66. From Council Member Chris Coleman regarding The Citizen Initiated Performance Assessment (CIPA) project team.

COMMUNICATIONS/REPORTS

67. From Kent Sovern, 700 Locust, Suite 100, regarding Greater Des Moines Partnership's annual trip to Washington, D.C.

68. Request from Chesterfield Neighborhood Association, to speak regarding bio-solids storage facility in the Chesterfield Neighborhood. This item will be considered at 6:00 PM.

HEARINGS (Opened at ______ P.M.) (Items 69 thru 76)

69. On sale of City-property to the following:

(A) State of Iowa Department of Transportation, southern boundary of Botanical Center, at 909 E. Riverside Drive along I-235, $11,493.

(B) Hallmark Homes, 6104 and 6108 Tonka Avenue, $15,000.

(C) Larry Schlepphorst, 813-23rd Street, $4,500.

(Council Communication No. 02-439)

70. On conveyance of a permanent easement on city property in the vicinity of Botanical Center-E. Riverside Drive, from I-235 to E. 6th, and east through Burke Park to E. 7th, to MidAmerican Energy, for underground gas line $4,500.

(Council Communication No. 02-441)

71. On conveyance of City-owned property to Dick and Peggy Herweh, 536 SE 27th Ct., $4,600.

72. On request from 2300 University Avenue LLC, represented by Larry James Jr., for rezoning
of property in the 2300 block of University and in the 1100 block of 23rd, north of 1154-23rd, from the Ltd "C-1" (Neighborhood Retail Commercial) and Ltd "C-2" (General Retail and Highway Oriented Commercial) to "NPC" (Neighborhood Pedestrian Commercial)

(A) First consideration of ordinance above.

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

73. Change Order No. 5 with Corell Contractor, for additional work in conjunction with the Martin Luther King, Jr. Parkway Paving - Ingersoll Avenue to Center Street, $27,405.

    (Council Communication No. 02-450)

(A) On resolution to REJECT all bids and close the hearing on the 2007/09 Pleasant Street Sanitary Sewer Service Relocation, (work will be performed in conjunction with Change Order No. 5 above).

74. On Sec Taylor Stadium Field Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Reilly Construction Co., Inc. (Robert M. Reilly, President, Ossian, IA), $1,071,077.40

    (Council Communication No. 02-458)

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

(B) Approving Supplemental Agreement No. 1 with HOK Sports, Inc. (Rick Martin, Senior Principal, Kansas City, MO) for construction phase services, not to exceed $5,968.

    (Council Communication No. 02-449)

(C) Approving Change Order with Reilly Construction, to reduce the contract cost.

75. On resolution to REJECT all bids and close hearing on the WRA Wastewater Reclamation Facility at 3000 Vandalia Road, (one bid received-over estimate), will be rebid at a later date.

76. On items regarding the Masonic Temple Project, Downtown Preservation Partners, LLC., and to continue hearings to 9-9-02:

(A) On vacation and lease of a portion of 10th Street, north of Locust, to be used for a Sidewalk Cafe, 5-year lease, $1,000 per year.

(B) On lease Agreement for previously vacated North/South alley, north of Locust, between 10th and 11th, to be used for an Outdoor Patio Cafe, $1,356 per year.

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

77. Receipt of the status report from the Des Moines Public Art Program and a funding allocation of $250,000.

(Council Communication No. 02-447)


(Council Communication No. 02-434)

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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.

AGENDA

BOARD OF HEALTH
August 19, 2002

MOTION TO CONVENE

AUTHORIZING

1. Engineering Department to remove the structure at the following location:

(A) 1211 21st Street, Titleholders: Anthony Trimnell and Sandra Trimnell.

MOTION TO ADJOURN AT _____________ P.M.

DES MOINES-CITY OF SKYWALKS