SPECIAL PRESENTATIONS - 4:15 P.M.:
Recognition of Ken Tynan

PROCLAMATIONS - 4:15 P.M.:
(a) Alpha Delta Kappa Month
(b) Alzheimer's Association Memory Walk Awareness Day

INVOCATION: Pastor Chaitram Prashad, Lutheran Church of the Good Shepherd

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 57:

LICENSES AND PERMITS:

Approving

4. The following Beer/Liquor Applications:

NEW APPLICATIONS
(1) Carlos O'Kellys, 4371 Merle Hay Rd., C Liquor.

RENEWAL APPLICATIONS
(2) Breadeaux Pizza, 1901 Beaver Avenue, B Beer.
(3) Godfather's Pizza, 4119 University Avenue, B Beer.
(4) Godfather's Pizza, 3022 SE 14th Street, B Beer.
(5) QuikTrip #500, 3700 Hubbell Avenue, C Beer.
(6) Buzz, 214 3rd Street, C Liquor.

(7) Des Moines Izaak Walton League, 4343 Valley Drive, C Liquor.

(8) Helen & Pats Restaurant, 209 Euclid Avenue, C Liquor.

(9) Ibiza, 101 4th Street, C Liquor.

(10) Ingersoll Dinner Theater, 3711 Ingersoll Avenue, C Liquor.

(11) Kenny D's, 3925 E 14th Street, C Liquor.

(12) Smokeys Triangle Tap, 2506 Post, C Liquor.

(13) Trattoria, 207 4th Street, C Liquor.

(14) Des Moines Marriott Hotel, 700 Grand Avenue, B Liquor.

(15) Embassy Suites Hotel, 101 E Locust Street, B Liquor.

(16) QuikTrip #500, 3700 Hubbell Avenue, B Wine.

(17) Trattoria, 207 4th Street, B Wine.

(18) Des Moines Marriott Hotel, 700 Grand Avenue, E Liquor.

(19) Drake Liquor Store, 2106 Forest Avenue, E Liquor.

OUTDOOR SERVICE APPLICATION

(20) Court Avenue Brewing Company, 309 Court Avenue, C Liquor License. Temporary outdoor service area for an Octoberfest Event on October 5, 2002. Pending Building inspection.

5. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Approving agreement with Seneca Corporation (Chris Risewick, President) for replacement of the City's monitoring system of its Underground Storage Tanks used for dispensing fuel, not to exceed $147,231.25.

(Council Communication No. 02-512)

7. Approving Professional Services Agreement with firm of Wilbur Smith Associates, (George
R. Scheuring, VP, Pittsburgh, PA) for comprehensive design study of all signing related to the Downtown Parking System, not to exceed $200,000.

(Council Communication No. 02-515)


(Council Communication No. 02-513)

9. Approving Supplemental Agreement No. 2 with Calhoun-Burns and Associates Inc. Consulting Engineers (John C. Calhoun, President, WDM) for additional work on redesign of the SW 9th Street Bridge over Yeader Creek, $90,546.50.

(Council Communication No. 02-510)

10. Approving Change Order No. 9 with Corell Contractor, Inc., for additional work in conjunction with the Martin Luther King, Jr. Parkway Paving-Ingersoll Avenue to Center Street project, $25,520.

(Council Communication No. 02-511)

11. Approving Change Order No. 9 with McAninch Corporation, for additional work in conjunction with the Grandshire Area Sanitary Sewer, $16,850.

(Council Communication No. 02-517)

12. Resolution Ordering Construction of Argonne Armory Drainage Corrections, Receiving of Bids, (10-8-02), and Setting Date of Hearing, (10-21-02). (Construction Estimate - $41,850).

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

14. Authorizing execution of waiver forms for Sidewalk Program/Request to Repair Sidewalk executed by ten property owners and Sidewalk Program/Request to Repair Driveway executed by four property owners.

15. Approving Private Construction Contract between Elder Corporation (Jared R. Elder II, Vice President, as Contractor) and Koester Construction (Paul Koester, President, as Owner) for construction of Storm Sewer Improvements at SW 9th Street and Virginia Avenue, $17,400.

16. Approving Private Construction Contract between Elder Corporation (Jared R. Elder II, Vice President as Contractor) and Des Moines Independent Community School District (Duane Van Hemert, Executive Director as Owner) for construction of Street Improvements for widening of Geil Avenue to provide vehicle drop-off area for Morris Elementary School, $23,374.
17. Approving Private Construction Contract between Manatt's Inc. (Bradford J. Manatt, President, Johnston as Contractor) and Jerry's Homes (Jerry Grubb, President as Owner) for construction of Street Improvements in the new development, Hillsboro Phase 2, $31,675.

18. Accepting completed construction and approving final payment for College Avenue Storm Sewer Improvements Arlington Avenue to 7th Street, $18,458.50 is now due and $26,527.75 remaining balance payable at the end of 30 days.

SPECIAL ASSESSMENTS

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

(A) Schedule No. 2002-55.

(B) Schedule No. 2002-30.

(C) Schedule No. 2002-08.

(D) Schedule No. 2002-78.

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

(A) 3316 E. 9th Street, Schedule No. 2002-51, Certificate No. 00-08590-00 in the amount of $95.

(B) 1539 E. Glenwood Drive, Schedule No. 2002-26, Certificate No. 00-08406-00 in the amount of $145.

LAND/PROPERTY TRANSACTIONS

21. Approve and accept real estate documents for property located at 2914 and 2918 Garfield Avenue, (Robert J. and Cheryl A. Hites) for the Leetown Creekway Project F/K/A 7th Ward Ditch Project - Phase 2, $360 plus closing costs.

22. Approve and accept real estate documents for property located at 1239 Stewart Street (Lovella Agnew Neighbors and Larry Wright) for the I-235 Sanitary Sewer Relocation Project - Group 3, $990 plus closing costs.

23. Release of Subdivision Bond No. IAC 389892 from Merchants Bonding Company (Mutual) in the amount of $7,565 as security for completion of required sidewalk and street tree improvements for Christy Lea Manor Plat No. 4.

(Council Communication No. 02-506)
24. Communication from Kristopher Klop advising of his resignation from the Sister City Commission, (Seat 5) effective September 6, 2002.

25. Communication from LaVerne Williams advising of his resignation from the Des Moines Public Housing Board, (Seat 3) effective September 16, 2002.

STREET CLOSURES

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

(1) Helene Neville, representing Des Moines Marathon Inc., requesting permission to close various streets (Call City Clerk's Office for list) on Saturday, October 5, 2002 for Des Moines Marathon.

(2) Amy Donnelly, representing Linden Heights Neighborhood, requesting permission to close Foster Drive to Woodlawn Drive on North and South and East to where Woodland Drive Connects (Public Works Objects due to Sidewalk/Curb construction. Permit to be issued subject to block party not interfering with construction.) on Sunday, September 29, 2002 from 4:00 to 6:00 PM for a neighborhood block party.

(3) Eileen O’Meara, representing Waterbury Neighborhood, requesting permission to close Cummins Parkway from Pleasant to Harwood on Saturday, October 12, 2002 from 6:00 to 10:00 PM for a street dance.

(4) Sandy Gibson, representing 51st Street Neighborhood, requesting permission to close 51st Street from Hickman to Urbandale on Sunday, September 29, 2002 (Raindate of Sunday, October 6, 2002) from 2:00 to 7:00 PM for a neighborhood block party.

(5) Roberta Conrad, representing 40th Place Neighborhood, requesting permission to close 40th Place from Franklin Avenue to Hickman Road on Saturday, October 5, 2002 from 12:00 to 6:00 PM for a neighborhood block party.

(6) Mary Schaefer, representing Ashby Neighborhood, requesting permission to close Ashby Avenue from Beaver Avenue to 44th Street on Saturday, September 28, 2002 from 4:00 to 10:00 PM for a neighborhood block party.

(7) Bryon Johannes, representing SE 30th Street Neighborhood, requesting permission to close SE 30th Street from E Kenyon Avenue to E Cutler Avenue on Saturday, September 28, 2002 from 2:00 to 9:00 PM for a neighborhood block party.

(8) Joy Davis, representing Frazier Neighborhood, requesting permission to close Frazier Avenue from SW 18th Street to west dead end on Saturday, September 28, 2002 (Raindate of
Sunday, September 29, 2002) from 2:00 to 7:00 PM for a neighborhood block party.

CITY PLAN COMMISSION RECOMMENDATIONS

27. 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, (south 180 feet of the alley be left open as a public alley), continued from 8-19-02.

28. Regarding request from Charles L. Parcel, 109 E. 28th Court, for vacation and conveyance of the north/south alley between E. 28th Court and E. 29th Street, from Dean Avenue south to the railroad tracks, provided that the vacation should extend no further than the limits of the property of the consenting owners.

29. Regarding request from Neighborhood Development Corporation, 1182-8th Street, for vacation and conveyance of 8th Street from a point south of the access drive to the Mail Services L.C. property, to the north right-of-way line of Enos Avenue.

30. Regarding recommendation for the Fleur Drive Beautification Project.

SETTING DATE OF HEARINGS

31. On request from Hawthorn Hill Community Partners, LP, and Preservation Properties Land Company, LLC, to rezone property at 921 Pleasant Street, from "C-2" (General Retail and Highway-oriented Commercial, to "C-3R" (Central Building District Mixed-Residential District), for adaptive reuse of the existing building into 46 one-bedroom apartments utilizing Iowa Finance Authority Tax Credit Program, subject to conditions, (10-7-02).

32. On request from Mark Lazar, to rezone property at 6100 SW 9th from "C-2" (General Retail and Highway-Oriented Commercial) and "R1-60" (One-Family Low Density Residential) to "C-1" (Neighborhood Retail Commercial) for a proposed 1,200 square foot building addition and parking lot expansion, subject to conditions, (10-7-02).

33. On request from Marc S. Harding, to rezone property at 6304 SW 12th Place, from "C-1" (Neighborhood Retail Commercial) to "R1-60" (One-Family Low-Density Residential), (10-7-02).

34. On 13th Amendment to the Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area, to encourage residential development by expanding the area, and encourage renovation and reuse of the old Washington School at 2 Hartford Avenue for residential use, (10-21-02).

35. On vacation and conveyance of a portion of 8th Street south of University Avenue, to Neighborhood Development Corporation, $9,000 and lot at 1170-8th Street, $7,000, (10-7-02).
36. On recommended DENIAL of Council-initiated request to change zoning conditions for property in the vicinity of NE 43rd Court and E. Douglas Avenue, to an amended Ltd. "R1-60" (One Family Low-Density Residential) to require a minimum dwelling unit size of 1,100 square feet and to eliminate a requirement for detached or attached garages, (10-7-02).

37. On the proposed 2003 HUD Consolidated CDBG Plan, (11-4-02).

(Council Communication No. 02-498)

(A) Communication from Neighborhood Revitalization Board, submitting funding recommendations for the Five Year Strategy/Fourth Year Action Plan.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

38. Approving communication from City Attorney concerning settlements not exceeding $5,000.


40. Approving payment of $3,082.99 to Service Master by Kintz on account of George and Doris Ring for reimbursement of cleaning costs as the result of a sewer backup.

CITY MANAGER COMMUNICATIONS

41. Submitting the following out-of-state travel requests for Christine Hensley, Jim Fox, Michael West, and Kristin Tuttle.

(Council Communication No. 02-492)

APPROVING

42. Amendment 2 to the Banking and Custodial Services Contract with Bankers Trust Company extending the contract to July 31, 2008.

(Council Communication No. 02-508)

43. Polk County use of various City facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for the General Election to be held on Tuesday, November 5, 2002.

44. Submitting Official Financial Report for City Streets for FY2002, to be submitted to Iowa Department of Transportation (IDOT) for continued eligibility for Road Use Tax Allotments.

45. Certificate of Completion for Disposition Parcel No. 10A (1900 Dixon Street), Guthrie Avenue Business Park Urban Renewal Area to HTJ Inc. and Release of Good Faith Deposit.
46. Trail proposal recommended by Park and Recreation Board and supported by Waveland Park Neighborhood Association to be submitted to the Metropolitan Planning Organization for two trail segments which will provide recreational opportunities.

(Council Communication No. 02-495)

47. Application for Metropolitan Planning Organizational and Statewide Transportation Enhancement Program Grant from IDOT to assist in funding for 3.7 mile multi-use recreational trail that would connect the cities of Johnston and Des Moines, $71,000.

(Council Communication No. 02-497)

48. Submission of grant application to Iowa Department of Transportation for Statewide Transportation Enhancement Program Grant in amount of $345,000 as part of American Discovery Trail that will connect the Kruidenier Trail at Gray's Lake with proposed Principal Riverwalk.

(Council Communication No. 02-496)

49. Bids for the following:

(A) Dewey Ford (Mark Vukovich, President, Ankeny) for a one ton truck to be used by the Sign Shop, $43,710.21. (Eight bids mailed, six received).

(B) Great American Outdoor (Don VanHouweling, President) for a utility tractor to be used by the Horticulture Division, $42,250. (Eight bids mailed, seven received).

(Council Communication No. 02-494)

(C) Quad Country Implement (Tom Less, President, Blairstown) for five finish mowers, $12,195 and Great American Outdoor (Don VanHouweling, President) for an outfront rotary mower, $20,195 both to be used by the Horticulture Division. (Nine bids mailed, seven bids received).

(Council Communication No. 02-493)

(D) O'Halloran International (Jim O'Halloran, President) for three 39,000 GVW trucks to be used by the Street Maintenance Division, $265,014. (Seven bids mailed, four received).

(E) Dewey Ford (Mark Vukovich, President, Ankeny) for a van and two trucks, $65,421.41 and Mid-States Ford Truck Sales (Marv Perry, President) for two vans, $30,929.93 to be used by the Wastewater Reclamation Facility. (Nine bids mailed, five received).

(F) ASAP Software Express (Buffalo Grove, IL) for Microsoft software products for public safety information systems and communications center systems from State of Iowa Contract No.
CT2545 to be used by the Police Department, $79,142.40.

(G) RACOM (Marshalltown) for GE radio communications equipment for public safety information systems and communications center systems from State of Iowa Contract No. CT1199MV to be used by the Police Department, $79,386.40.

(H) Compaq Computer Corporation (Houston, TX) for Compaq server equipment from the Western States Contract Alliance (WSCA) price agreement No. 90-00151 to be used by the Information Technology Department, $73,890.

(I) Compaq Computer Corporation (Houston, TX) for Compaq computer equipment for the public safety information systems and communications center systems from the Western States Contract Alliance (WSCA) price agreement No. 90-00151 to be used by the Police Department, $126,360.

(J) RouteSmart Technologies, Inc. (George Fagan, President, Columbia, MD) for an automated routing systems software to be used by the Public Works Department, $32,900. (Twenty-six bids mailed, one received).

(Council Communication No. 02-507)

50. Authorizing Public Works Department to proceed to issue the following Requests for Proposals (RFP's on file in Clerk's Office):

(A) Traffic Control Safety Devices

(Council Communication No. 02-505)

(B) Sewer Infrastructure Management System

(Council Communication No. 02-504)

(C) Recyclables Processing

(Council Communication No. 02-503)

51. Civil Service Promotional List for Police Captain.

52. Authorizing Finance Director to draw checks on check registers of September 23 and September 30, 2002; and for bills of the Des Moines Municipal Housing Agency for the weeks of September 27 and October 4, 2002; and to draw checks for biweekly payroll due City employees on October 4, 2002.

ORDINANCES - FINAL CONSIDERATION

ORDINANCES - SECOND CONSIDERATION


55. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes 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.

56. Amending Chapters 74 and 114 of the Municipal Code regarding Multi-use Recreational Trails.

57. On vacation of the following City property:

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

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

**END CONSENT AGENDA**

ORDINANCES - FIRST CONSIDERATION

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

(1) Parking Restriction on the North Side of Oneida Point from SW 37th Street West to and including the cul-de-sac.

(2) Corner Clearance-North Side of Pleasant Street, West of Polk Boulevard and West Side of Polk Boulevard, south of Pleasant Street.

(3) Corner Clearance-North Side of Waterbury Road, West of 48th Street.


(5) Parking Restrictions on Locust between 10th Street and 11th Street.


COUNCIL REQUESTS
60. From Mayor Daniels to discuss establishing an Ad Hoc Task Force to deal with issues surrounding crimes of hate.

61. From Mayor Daniels to discuss request from Des Moines Area Community College (DMACC) to acquire Des Moines Municipal Housing Agency's apartments on Enos Street and the property at 1170 8th Street, and the potential closing of Eighth Street from University to Enos.

COMMUNICATIONS/REPORTS

62. From Police Department's Animal Control Unit to make a presentation regarding the pet adoption program and the new Animal Control web site.

63. From John Avery, 2829 E. 37th Court requesting an extension of time for removal of structure at 2322 Hubbell which was approved on 9-9-02 by Roll Call No. 02-2249.

64. From Mark White to present a CIPA report to City Council.

65. From Mary Rios, 610 Virginia, regarding entrance and exit for the McDonald's under construction at SW 9th and Virginia Avenue.

HEARINGS (Opened at ______ P.M.) (Items 66 thru 72)

66. On request from Brook Run L.C., (Owner), to amend the PUD Conceptual Plan for Brook Run Village, for property in the vicinity of 4975 E. Douglas, to revise the western parcel approved for townhome use to increase the permitted density from 8 units/acre to 10.9 units/acre, to allow development of 88 villas Townhome units by Rottlund Homes of Iowa.

67. On request from Tempus Utile, L.C., to rezone property at 6700 Chaffee Road from "A-1" (Agricultural) to "PUD", (Planned Unit Development), and approval of the "PUD" Conceptual Plan for West Point South, a redevelopment of existing garrison buildings for multi-family use on 13.7 acres of the former Ft. Des Moines site, subject to conditions.

(A) First consideration of ordinance above.

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

68. On Developer-Initiated Development Proposal for portions of Disposition Parcel No. 97-A (6th and University) in Metro Center Urban Renewal Project:

(A) Approving Urban Renewal Purchase Agreement and sale of property to Neighborhood Development Corporation.

(B) Releasing easement and ordering removal of utility facilities.
69. On vacation of E. Granger Avenue right-of-way between SE 37th and SE 38th Street.

(A) First consideration of ordinance above.

70. On vacation of a portion of E. Railroad Avenue right-of-way.

(A) First consideration of ordinance above.

71. On Zoning Ordinance amendments regarding use of barb wire and electric fences.

(A) First consideration of ordinance above.

72. On items regarding Carman Estates, 5405 Indianola Avenue:

(A) Approving amendment to the Comprehensive Plan.

(B) Approving amendment to the "PUD" Conceptual Plan.

(C) ALTERNATE RESOLUTION to A & B: Resolution denying amendments to the Comprehensive Plan and "PUD" Conceptual Plan.

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

CITY MANAGER RECOMMENDATIONS

73. Regarding the removal of school crossing guards at the noon crossing period for the 2002-2003 school year.

(Council Communication No. 02-516)

APPROVING


(Council Communication No. 02-499)

75. Joint Service Agreement with Metro Transit Authority, the Downtown Community Alliance, and the City regarding the maintenance of the Walnut Street Transit Mall.

76. NUMBER NOT USED.

77. Authorizing the City Manager to work with the MTA to solicit proposals and to allocate up
to $25,000 of Park and Ride revenues for a study of an additional Park and Ride Facility and evaluation of the Walnut Transit Mall, with identification of possible alternative arrangements for accommodating transit operations in the downtown.

(Council Communication No. 02-514)

78. Minimum Assessment Agreement with Airport Commerce Park, L.C., 6200 Park Avenue; Principal Life Insurance Company.

79. Brick Salvage Policy to facilitate reuse of brick pavers in neighborhoods and parks.

(Council Communication No. 02-509)

80. Receipt of Mayor's Landscape Task Force Draft Des Moines Landscape Guidelines, for referral to Architectural Advisory Committee, Park and Recreation Board, and Plan and Zoning Commission for review. (Copy on file in City Clerk's Office).

(Council Communication No. 02-500)

* * * * * * * *

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
September 23, 2002

MOTION TO CONVENE

AUTHORIZING

1. Court Authority to abate the public nuisance at the following locations:

   (A) 1964 Arlington Avenue (vacant) Titleholder: Earl Nelson; and Legal Interest Holders: Nationscredit Financial Services Corporation d/b/a Equicredit, Attn: C T Corporation System,
Inc., Registered Agent and Household Finance Industrial Loan Company of Iowa, Attn: C T Corporation System, Registered Agent.

(B) 2620 Dean Avenue (vacant) Titleholder: Robert Wilson, III and Legal Interest Holder: FEZ, Inc., Attn: William S. Rothmeyer, Registered Agent.

(C) 3829 13th Street (vacant) Titleholder: SRS, Inc., Attn: David M. Erickson, Registered Agent.

(D) NUMBER NOT USED.


(F) 932 59th Street (vacant) Titleholder: Meyer and Frances Shnurman, and Contract Buyer: Carmi Ofir.

MOTION TO ADJOURN at _______ P.M.

DES MOINES-CITY OF SKYWALKS