DES MOINES CITY COUNCIL MEETING

August 22, 2005 4:30 P.M.

SPECIAL PRESENTATIONS – 4:00 P.M.

City-County Joint Project “Metro Trails Map”

PROCLAMATIONS – 4:00 P.M.

National Alzheimer’s Month

RECOGNITIONS 4:00 P.M.

Jim Caraway
Visiting Students from Kofu, Japan

INVOCATION: Rev. Tim Diebel
First Christian Church

1. ROLL CALL:

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

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   *Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.

3. APPROVING CONSENT AGENDA – items 3 through 45:
LICENCES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A) SOME PLACE ELSE 1833 HUBBELL AVE C Liquor
(B) TOADS TAVERN 3002 STATE AVE C Liquor

RENEWAL APPLICATIONS

(C) CARLOS O'KELLYS MEXICAN CAFE 4371 MERLE HAY RD C Liquor
(D) CASEYS GENERAL STORE #2314 3527 INDIANOLA AVE C Beer
(E) CASEYS GENERAL STORE #44 4560 E 14TH STREET C Beer
(F) CROATIAN FRATERNAL SLAVIC CTR 6575 INDIANOLA AVE C Liquor
(G) DRAKE TEXACO 3401 UNIVERSITY AVE C Beer
(H) EL MAYA 1244 E 14TH ST C Liquor
(I) FRATERNAL ORDER OF EAGLES 6567 BLOOMFIELD RD A Liquor
(J) ORLONDOS 4337 PARK AVE C Liquor
(K) PHILLIPS 66 DOUGLAS AVE 4402 DOUGLAS AVE C Beer
(L) PHILLIPS 66 GRAND AVE 6222 GRAND AVE C Beer
(M) QUIKTRIP #527 1215 6TH AVE C Beer
(N) QUIKTRIP #560 2300 M L KING JR PKWY C Beer
(O) VICTORY LANE MOTOR SPORTS CAFE EASTON BLVD C Liquor 3801
(P) WAL MART SUPERCENTER #1723 5101 SE 14TH ST E Liquor
(Q) WAVELAND COFFEE SHOP 4704 UNIVERSITY AVE C Liquor
(R) WINE ETC 555 WALNUT ST B Wine
(S) YO YOS BAR & GRILL 2400 DEAN AVE C Liquor

TRANSFER TO NEW LOCATION

(T) BEGGARS BANQUET 1301 LOCUST ST B Beer
Permanent transfer from 2306 University Avenue. Pending approval of Building, Electrical, Zoning, Fire and Vice Departments.

(U) DRAKE UNIVERSITY RATHSKELLAR 1421 27TH ST C Liquor
Temporary transfer of license to Knapp Center on August 30, 2005. Pending approval of Building and Electrical Departments.

OUTDOOR SERVICE APPLICATIONS

(V) CHRISTOPHERS 2816 BEAVER AVE C Liquor
Temporary outdoor service area in conjunction with Beaverdale Fall Festival on September 16-18, 2005. Pending approval of Building, Electrical, Fire and Zoning Departments.

(W) HESSEN HAUS 101 4TH STREET C Liquor
Temporary outdoor service area in conjunction with Central Iowa Blues Fest on September 4, 2005. Pending approval of the Building Department.
(X) MICHAELS RESTAURANT & LOUNGE  4041 URBANDALE AVEC Liquor
Temporary outdoor service area in conjunction with Beaverdale Fall Festival on
September 17 and 18, 2005.

(Y) ROOKIES  6151 THORNTON AVE  C Liquor
Temporary outdoor service area on September 11, 2005. Pending approval of
Building, Electrical, Fire and Zoning Departments.

SPECIAL EVENT APPLICATIONS

(Z) OUR LADY OF THE AMERICAS PARISH  1403 HARRIETT ST
Five Day License
Class B Beer License, pending approval of Building, Electrical and Fire
Departments; also Park Board Approval.

(AA)SKYLINE BAR AND GRILL  1160 24TH ST
Five Day License
Class B Beer License in conjunction with Dogtown Fest on September 10, 2005.
Pending approval of Building, Electrical, Fire and Zoning Departments.

5. City Clerk to issue Cigarette Licenses.

6. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Approving Iowa Department of Transportation agreement for 2\textsuperscript{nd} Avenue and
Madison Avenue Traffic Signal Improvements.

\textit{(Council Communication No. 05-475)}

8. Approving agreement with the U.S. Department of the Interior, Geological
Survey for the operation and maintenance of six (6) river and stream gaging
stations.

\textit{(Council Communication No. 05-478)}

9. Approving Change Orders for the following:

(A) Change Order No. 1 with Western Waterproofing of Michigan, LLC, for
additional work in the 5\textsuperscript{th} & Walnut Parking Garage, not to exceed $23,128.

\textit{(Council Communication No. 05-476)}
(B) Change Order No. 3 and Change Order No. 4 with Rasch Construction Inc., for additional work on the Southeast Ridge Trunk Sanitary Sewer – Phase 1 Project, not to exceed $143,217.50.

(Council Communication No. 05-477)

(C) Change Order No. 1 with Pro Environmental Abatement, Inc., under its Annual Demolition Contract – Asbestos Removal at 1308-1310 Grand Avenue, not to exceed $23,987.

(Council Communication No. 05-470)

10. Approving Private Construction Contract between Gator Excavating, Inc. and Walden Point Limited Partnership for Storm Sewer Improvements in the east side of 4th Street at 1200 4th Street.

11. Approving completion and recommending acceptance of the following Private Construction Contracts:

(A) Manatt’s Inc. and Jerry’s Homes for Street Improvements in the new development Carman Estates Plat 1, located at Indianola Road and Easter Lake Drive.

(B) McAninch Corporation and Silver Oak LLC for Sanitary Sewer Improvements in the new development Carman Estates Plat 1, located at Indianola Road and Easter Lake Drive.

(C) McAninch Corporation and Silver Oak LLC for Storm Sewer Improvements in the new development Carman Estates Plat 1, located at Indianola Road and Easter Lake Drive.

(D) Christensen Construction and Des Moines Metropolitan Transit Authority for Storm Sewer Improvements for MTA building expansion at 1100 MTA Lane.

(E) Eco-Tech Construction, LLC and Concrete Supply of Iowa, LLC for Sanitary Sewer Improvements for extension from SE 28th Street to Railroad Avenue.

(F) Eco-Tech Construction, LLC and Oaks Development for Street Improvements in the new development, Meadowlands Plat 1, located at Indianola Avenue and Meadowland Chase.
(G) McAninch Corporation and Oaks Development for Sanitary Sewer Improvements in the new development, Meadowlands Plat 1, located at Indianola Avenue and Meadowland Chase.

(H) McAninch Corporation and Oaks Development for Storm Sewer Improvements in the new development, Meadowlands Plat 1, located at Indianola Avenue and Meadowland Chase.

(I) Eco-Tech Construction, LLC and Mid-Iowa Land Company for Street Improvements in the proposed Sunrise Estate Plat 3, located at East 43rd Court and East Hull Avenue.

(J) McAninch Corporation and Oaks Development for Sanitary Sewer Improvements in the proposed Sunrise Estate Plat 3, located at East 43rd Court and East Hull Avenue.

(K) McAninch Corporation and Oaks Development for Storm Sewer Improvements in the proposed Sunrise Estate Plat 3, located at East 43rd Court and East Hull Avenue.

(L) R. G. Elder & Son Company and Robert Carter and Ken Paulding for Storm Sewer Improvements at 3749 East University.

12. Approving completed construction and final payment to the following:

   (A) Baker Electric, Inc. for 30th Street and Hickman Road Traffic Signal Upgrade.

   (B) Van Hauen & Associates, Inc. for Clark Street – 27th to 29th Streets Storm Sewer Improvements.

   (C) C.A.C. Properties, Inc. for Des Moines River Outfall Site Access Control.

LAND/PROPERTY TRANSACTIONS

13. Real Estate documents for property at vicinity of Grand Avenue and North Valley Drive, for Walnut Creek Trail Phases I-B and II Project, $3,720 plus closing costs.

14. Establishing Fair Market Value and authorizing acquisition of abandoned railroad corridor from south side of Gray’s Lake and extending westerly to SW 30th Street for Southwest Connector Project, $1,026,000.

15. Approving final plat entitled CARMEN ESTATES PLAT 4 in vicinity east of SE 24th Street on either side of E. Porter Avenue.
16. Authorization to proceed and acquire right-of-way for the E. 30th Street and State Avenue Intersection Realignment.

17. Approving Tax Abatement Application for additional value added by improvements made during 2002 for 500 North Valley Drive, Unit 804.

BOARDS/COMMISSIONS/NEIGHBORHOODS


20. Recommendation of Mayor Frank Cownie to reappoint Patricia Nesbitt to Seat #1 on the Municipal Housing Board, one-year term commencing July 1, 2005 to expire July 1, 2006.

21. Recommendations from Council Member Chris Coleman as follows:

   (A) Reappointment of Marc Wallace to Seat #6 on the Plan and Zoning Board, five-year term commencing July 1, 2005 to expire July 1, 2010.

   (B) Reappointment of William Gray to Seat #3 on the Zoning Board of Adjustment, five-year term commencing on April 1, 2005 to expire April 1, 2010.

   (C) Appointment of Raul “Gus” Ramirez to Seat #3 on the Des Moines Music Commission expiring July 1, 2008.

22. Communication from Marilyn Fisher and Robert Fisher advising of their resignation from the Citizen Odor Board, (Seats #3 and #10), effective immediately.
COMMUNICATIONS FROM PLANNING AND ZONING

23. NUMBER NOT USED

24. Regarding request from Kitchen Restaurants, LLC dba Star Bar for vacation and lease of strip of street right-of-way from north side of Ingersoll Avenue adjoining property located at 2811 Ingersoll Avenue, subject to conditions.

25. Regarding request from Russell Severson for vacation and conveyance of dead end segment of SW 59th running south of Tonka Avenue, subject to conditions.

SETTING DATE OF HEARINGS

26. On vacation and conveyance of SE 12th Street right-of-way between Maury Street and Railroad Avenue to Aztec Motors, $10,000, (9-12-05).

   (Council Communication No. 05-472)

27. On vacation and conveyance of north/south alley lying east of and adjoining Lot 18, Drake University 3rd Addition to 2300 University Ave., LLC, $3,000, (9-12-05).

   (Council Communication No. 05-471)

28. On application from Jane Kelly-Forret & Michael J. Forret for Certificate of Public Convenience and Necessity to operate Limousine Services, Racing Limos of Central IA, LLC, (9-12-05).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS


30. Approving payment of $781.50 to Sullivan and Ward to represent City Stormwater Management Utility regarding issuance of TMDLS impacting MS-4 National Pollution Discharge Elimination System permit.
CITY MANAGER COMMUNICATIONS

31. Submitting traffic regulation changes as follows:

   (Council Communication No. 05-479)

   (A) Parking restriction-east side of SE 28th Street from Brockway Drive to the cul-de-sac.

   (B) Revision to school passenger loading and unloading zones.

   (C) Revision to parking prohibition during certain hours on certain days.

   (D) Revision to agree with actual on-street conditions -7th Street between Walnut Street and Locust Street.

   (E) Parking revisions due to ongoing construction of the Gateway West Project.

   (F) Parking meter revisions – south side of Park Street between 5th Avenue and 7th Street.

32. Submitting out-of-state travel request for T. M. Franklin Cownie, William McCarthy, Craig Zubrod, Rahn Bjornson and Don McLaughlin.

   (Council Communication No. 05-454)

APPROVING


   (Council Communication No. 05-480)

34. Documents for $75,000 State of Iowa CEBA Loan and $75,000 Des Moines Action Loan Fund Loan to Trans-Lux Midwest Corporation.

   (Council Communication No. 05-481)

35. Federal Aviation Administration Certification of Title for various properties.

36. Awarding contract for legal services to collect outstanding demolition judgments.

37. License Agreement for Recreational Trail on Railroad Leased Line Property for the Walnut Creek Trail.
38. 23rd Annual Boards and Commissions Appreciation Dinner to be held on Tuesday, October 11, 2005, new location --- Des Moines Botanical Center.

39. Bids from the following:

(A) American Aluminum Seating for relocation and renovation of bleacher sections from Principal Park Stadium to Cownie Soccer Complex to be used by the Park & Recreation Department, $59,373. (Two bids mailed, one received).

(B) Mid-States Ford and Karl Chevrolet for various replacement vehicles to be used by the Police Department, $79,272. (Eleven bids mailed, five received).

(C) American TV & Appliance for an annual contract for refrigerator and freezer replacement and removal services to be used by the Community Development Department, $35,000. (Six bids mailed, two received).

(D) Logan Contractors Supply for asphalt sealant melter/applicator to be used by the Public Works Department, $25,950. (Eight bids mailed, five received).

(E) Certified Lubemaster for annual contract with two (2) additional twelve (12) month renewal options to furnish fuel additives to be used by Fleet Maintenance Center and the Aviation Department, $30,000. (Three bids mailed, three received).

(F) Iowa Transit (sole area wide distributor) for Topcon Survey Station to be used by the Engineering Department, $31,550.

(G) Pomeroy IT Solutions, per State of Iowa Contract CT2708, for CISCO Systems wireless network upgrade equipment to be used by the Police Department, $54,188.

(H) Campbell Consulting, (exempted from competitive bidding and advertisement requirements), for installation of internal and external wireless network equipment to be used by the Information Technology Department, $31,539.14.

(Council Communication No. 05-483)

40. Civil Service Entrance Lists for Senior Clerk Typist and Senior Airport Operations Officer and Promotional Lists for Fire Medic and Senior Police Officer.
41. Authorizing Finance Director to draw checks on the registers of August 25 and September 1, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of August 22 and August 29, 2005; and to draw checks for biweekly payroll due September 2, 2005.

ORDINANCES - SECOND CONSIDERATION

42. Amending Chapter 118 of the Municipal Code, providing clarification that septic tank systems or private sewage disposal systems which are detrimental to the environment are prohibited and providing for municipal infraction and administrative penalties.

43. Amending Chapter 42 of the Municipal Code regarding run-off and illicit discharge requirements of the City’s National Pollution Discharge Elimination System and maintenance of drainage facilities.

44. Amending Chapter 42 of the Municipal Code, regarding size and appointments to the Citizen Odor Board.

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

45. Amending Chapter 26 of the Municipal Code, regarding size and appointments to the Power Engineer’s Examining Board.

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

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

ORDINANCES - FIRST CONSIDERATION


   (A) Final consideration of ordinance above, (waiver requested by the City Attorney), requires 6 votes.

47. Amending Chapter 26 of the Municipal Code regarding the Plumbing Code.
48. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

(A) Corner clearance-south side of Indiana Avenue, west of 2\textsuperscript{nd} Avenue.

(B) Parking restriction-east side of South Union Street from E. Dunham Avenue to E. Edison Avenue.

COUNCIL REQUESTS

49. From Council Member Tom Vlassis to discuss city personnel issue regarding Retirement Health Savings Plan.

COMMUNICATIONS/REPORTS


HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 51 THRU 57)

51. On Resolutions of Support for Designation of the following as Cultural and Entertainment Districts:

(Council Communication No. 05-442 of 8/8/05)

(A) Court Avenue

(B) Historic East Village

(C) Roosevelt

52. On appeal from Donald E. Luncsford, Jr., 4469 NE 23\textsuperscript{rd} Street, DM, regarding recommended denial of taxicab license.
53. On vacating the portion of 14th Street and any remaining alley rights-of-way and reserved easements for public utilities within the two block area located between Locust Street and Grand Avenue, and between 13th and 15th Streets.

(A) First consideration of ordinance above.

54. On conveyance of 749 E. University Avenue to Kevin L. and Keri K. Sakalinh, $750.

(Council Communication No. 05-473)


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

56. On Leetown Creekway Wooden Box Replacement – Phase 3: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as The Underground Company, Ltd. (Duane Burkhardt, President, DSM), $1,025,000.

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


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

**END HEARINGS AT ________**

APPROVING

58. Resolution of Support for State of Iowa Great Places designation for the following:

(A) Beaverdale/Ingersoll.
(B) East Village.

(Council Communication No. 05-468)

59. Recommendation from the City Manager Selection Sub-Committee, regarding selection of a consultant.

60. Acceptance of $950,000 Community Attraction and Tourism (CAT) grant in conjunction with Principal Park Seating Expansion and Outfield Improvements.

(Council Communication No. 05-482)

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

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

(A) 1805 Arlington Avenue, Titleholder: Bulls and Bears, LLC; Mortgage Holders: US Bank, Jason Roose and Don Roose.
(B) 1134 Seneca Avenue (garage), Titleholder: Dusty L. and Cindy M. Glass; Mortgage Holder: Aames Capitol Corporation d/b/a Aames Home Loan.
(C) 1541 Walker Street (garage), Titleholder: Inie Clement and Augustine Akpan.
(D) 1142 Watrous Avenue (garage), Titleholder: Junior D. Curtis and Alice D. Loving.
(E) 1324 West Street, Titleholder: Linda and Carl Spurlock.
(F) 2323 SE 6th Street, Titleholder: Eileen G. Magneson; Mortgage Holder: Lederman Bonding Company.
(G) 2338 SE 6th Street, Titleholder: Mary Davis-Cross; Mortgage Holder: Wells Fargo Financial Iowa 3, Inc.
(H) 717 SE 7th Street, Titleholder: Antonio A. Renteria, Jr.
(I) 615 SE 11th Street, Titleholder: The Estate of Carl D. Mondt and Jesse C. Ross.
(J) 1819 12th Street, Titleholder: Marietta J. and Raymond Denin.
(K) 1135 21st Street, Titleholder: Blue Lotus, Inc.
(L) 1543 22nd Street, Titleholder: David E. and Ameda L. Williams; Mortgage Holders: Aames Funding Corporation d/b/a Aames Home Loan and Dial Plan, Inc.
(M) 1717 23rd Street (garage), Titleholder: Mary K. Lapcheske.
2. The Engineering Department to cause the removal of the following structures:

(A) 1607 Forest Avenue, Titleholders: Jerry Davis a/k/a Jerry Lee Davis and Rita Holmes.
(B) 802 E. Granger Avenue, Titleholder: Centex Home Equity Corporation.
(C) 501 Kirkwood Avenue, Titleholder: Lori Leeper; Mortgage Company: Wells Fargo Bank Iowa, NA and Wells Fargo Financial Bank, (continued from August 8, 2005 meeting).

MOTION TO ADJOURN AT ______________________ P.M.