

***** DES MOINES CITY COUNCIL MEETING REPORT *****

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '05-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

May 9, 2005 4:30 PM

PROCLAMATIONS – 4:15 P.M.

Bike to Work Week

National Public Works Week

National Women's Health Week

INVOCATION: Pastor Tony Thurston
College Avenue Christian Church

05-1101 1. ROLL CALL: **Present: Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassi**
Absent: Cownie.

05-1102 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 6-1.**

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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.**

05-1103 3. APPROVING CONSENT AGENDA – items 3 through 56: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 6-1.**

LICENSES AND PERMITS

05-1104

4. Approving alcoholic beverage applications for the following: **Moved by Hensley adopt. Motion Carried 6-1.**

NEW APPLICATIONS

(A)	DUDS N SUDS	2552 HUBBELL AVE	B Beer
(B)	GARDEN	112 SE 4TH ST	C Liquor
(C)	SOUTH SIDE LIQUOR & TOBACCO	1101 ARMY POST RD	E Liquor

RENEWAL APPLICATIONS

(D)	BIG KMART #4160	2535 HUBBELL AVE	C Beer
(E)	BREW HAUS LOUNGE	830 MCKINLEY AVE	C Liquor
(F)	DONNAS LOUNGE	4424 SE 14TH ST	C Liquor
(G)	GIT N GO STORE #31	2601 SW 9TH ST	C Beer
(H)	HICKMAN PUB	2335 HICKMAN RD	C Liquor
(I)	LEFTYS PLACE	509 E 25TH STREET	C Liquor
(J)	MERCY HOSPITAL MED CNTR	1111 6TH AVE	C Liquor
(K)	MING DYNASTY BUFFET	4804 SW 9TH ST	B Beer
(L)	NOAHS ARK RESTAURANT	2400 INGERSOLL AVE	C Liquor
(M)	PIZZA HUT #4353	1435 ARMY POST RD	B Beer
(N)	QUALITY INN & SUITES EVENTS	929 3RD ST	B Liquor
(O)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Liquor
(P)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Wine
(Q)	SOUTHGATE AMOCO	3401 SE 14th STREET	C Beer
(R)	STEER AND STEIN	3000 E GRAND AVE	B Beer
(S)	SUPER STOP	727 SE 14TH ST	C Beer
(T)	TOBACCO OUTLET PLUS #519	3144 SE 14TH STREET	C Beer
(U)	WAVELAND CAFE	4708 UNIVERSITY AVE	B Beer

OUTDOOR SERVICE APPLICATION

(V)	VAUDEVILLE MEWS Adding Permanent outdoor service.	212 4TH ST	C Liquor
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SPECIAL EVENT APPLICATION

(W)	GREEK ORTHODOX CHURCH	1110 35TH ST	Five (5) Day
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License

Special Class C Beer/Wine License in conjunction with the Greek Food Fair on June 4, 2005.
Pending approval of Electrical, Fire, Zoning and Vice Departments.

- 05-1105 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1106 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

7. Resolution Ordering Construction of the following:
- 05-1107 (A) Principal Riverwalk Bridge over Des Moines River-Rehabilitation – Receiving of Bids, (5-17-05), and Setting Date of Hearing, (6-6-05). (Construction Estimate - \$2,426,218). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1108 (B) SW 9th Street and County Line Road Intersection – Receiving of Bids, (5-17-05), and Setting Date of Hearing, (6-6-05). (Construction Estimate - \$471,517.50). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1109 (C) University Avenue Bridge over the Des Moines River-Arch Rehabilitation – Receiving of Bids, (5-17-05), and Setting Date of Hearing, (6-6-05). (Construction Estimate - \$1,038,485). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1110 (D) Des Moines River Outfall Site Access Control – Receiving of Bids, (5-24-05), and Setting Date of Hearing, (6-6-05). (Construction Estimate - \$33,000). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1111 (E) 2005 HMA Pavement Scarification & Resurfacing – Receiving of Bids, (5-24-05), and Setting Date of Hearing, (6-6-05). (Construction Estimate - \$913,250). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1112 (F) Hawthorne Park Shelter – Receiving of Bids, (5-24-05), and Setting Date of Hearing, (6-6-05). (Construction Estimate - \$190,000). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1113 (G) 2005 Sidewalk Replacement Program – Receiving of Bids, (5-24-05), and Setting Date of Hearing, (6-6-05). (Construction Estimate - \$174,800). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1114 8. Approving Change Order No. 22 with Jensen Construction Co. and United Contracting Inc., a joint venture for additional work on M.L. King Jr. Pkwy and Fleur D.

Intersection Bridges for a total not to exceed \$25,000. ([Council Communication No. 239](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

9. Approving Private Construction Contracts for the following:

- 05-1115 (A) Baker Electric, Inc. and Meredith Corporation Foundation for Lighting Improvements in Meredith Fleur Drive Multi-Use Trail. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1116 (B) Van Hauen & Associates, Inc. and Erickson Development, Inc. for Sanitary Sewer Improvements in Three Lakes Estates. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1117 (C) Manatts, Inc. and Jerry's Homes for Paving Improvements in Carman Estates Plat 5. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1118 (D) McAninch Corporation and Silver Oak, LLC for Sanitary Sewer Improvements in Carman Estates Plat 5. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1119 (E) McAninch Corporation and Silver Oak, LLC for Storm Sewer Improvements in Carman Estates Plat 5. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1120 (F) McAninch Corporation and West Lakes Properties, LLL for Sanitary Sewer Improvements in Southern Ridge. **Moved by Hensley to adopt. Motion Carried 6-1.**

- 05-1121 10. Communications to sublet certain items from M. Peterson Construction Company for Forest Avenue Widening – SW 42nd Street to SW 56th Street and from Rognes Corporation on Forest Street & Forest Avenue Storm Sewer Improvements. **Moved by Hensley to adopt. Motion Carried 6-1.**

11. Approving completion and recommending acceptance for the following:

- 05-1122 (A) Ingersoll Avenue Traffic Signals - 28th Street to 42nd Street - Baker Electric. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1123 (B) Douglas Avenue Intersection Improvements - P.G. Construction, Inc. **Moved by Hensley to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

12. Approving levying assessments for costs of Nuisance Abatement-NAC Emergency Ordinance (Community Development and Public Works) for the following:
- 05-1124 (A) Schedule No. 2005-26. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1125 (B) Schedule No. 2005-77. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1126 (C) Schedule No. 2005-88. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1127 (D) Schedule No. 2005-78. **Moved by Hensley to adopt. Motion Carried 6-1.**
13. Approving deletion of NAC-Emergency Assessments at the following:
- 05-1128 (A) 3408 Cottage Grove Avenue, 1016 Trisha Avenue, and 1146 E. 8th Street. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1129 (B) 3701 Cornell Street. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1130 14. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for April 2005. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1131 15. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for April 2005. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1132 16. Receive, file and authorize execution of petition and waiver forms for sidewalk repair program/request to repair driveway, executed by three property owners. **Moved by Hensley to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

- 05-1133 17. Real estate documents for property for the Airport Runway 13R/31L Project, closing costs only. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1134 18. Real estate documents for property at 4723 Fleur Drive and 1801 McKinley Avenue for McKinley Avenue Sidewalk Project, \$1 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1135 19. Real estate documents for property at 2535 E. 16th Street for the East 16th Street and I-25 Sheridan Avenue Storm Water Improvements Project, \$1,430 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

- 05-1136 20. Real estate documents for property at 2116 Grand Avenue for the Martin Luther King Parkway Project, \$ 3,225 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1137 21. Approving process for requesting tax sale certificates on vacant lots from Polk County Treasurer at annual auction and for assignment to private parties for residential development. ([Council Communication No. 05-247](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1138 22. Approving Tax Abatement Application for additional value added by improvements made during 2004 for 4525 SE 16th Street. ([Council Communication No. 05-248](#)) **Moved by Hensley to adopt, and to request that the County apply the tax abatement to the value existing on January 1, 2005, as if the application had been timely filed and processed. Motion Carried 6-1.**
- 05-1139 23. Approving Tax Abatement Application for additional value added by improvements made during 2004 for O'Reilly Auto Parts Facility at 1800 Guthrie Avenue. ([Council Communication No. 05-249](#)) **Moved by Hensley to adopt, and to request that the County apply the tax abatement to the value existing on January 1, 2005, as if the application had been timely processed by the City. Motion Carried 6-1.**

24. NUMBER NOT USED

SETTING DATE OF HEARINGS

- 05-1140 25. On rezoning property in the vicinity of 627 SE 6th Street from "R1-60" (One Family Low Density Residential) to Ltd. "M-1" (Light Industrial) to allow development of engineering testing laboratory and accessory offices, (5-23-05). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1141 (A) City Plan and Zoning Commission recommendation on vacation of right-of-way and conveyances of public land in the vicinity of SE 6th Street and Maury Street. **Moved by Hensley to adopt and to refer to the City Manager to implement. Motion Carried 6-1.**
- 05-1142 26. On rezoning of all or portions of "M-2" (Heavy Industrial District) to the "M-1" (Light Industrial District), (5-23-05). ([Council Communication No. 05-243](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1143 27. On Zoning Ordinance text amendment to revise the term that special event signage may be granted for recognized neighborhood groups, from a maximum of 10 days to 30 days, (5-23-05). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1144 28. On amendments to the Zoning Ordinance and various landscape policies, (5-23-05). ([Council Communication No. 05-242](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 05-1145 29. Approving payment of \$2,718.86 to Ahlers & Cooney, P.C. for bond counsel services and legal services related to the Master Lease Program. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1146 30. Approving payment of \$67.50 to Ahlers & Cooney, P.C. for resolution of certain environmental matters in conjunction with the development of the Kiwanis Nature Island at Riverview Park. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1147 31. Approving payments of \$1,304.80 to law firm of Myers & Jenkins for representation of City in the ATA Holdings Corporation and UAL Corporation bankruptcies and payment of \$127.50 to law firm of Barnes & Thornburg, LLP for representation of City in the ATA Holdings Corporation bankruptcy. (\$1,432.30) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1148 32. Approving payment of \$372.50 to law firm of Nyemaster, Goode, Voigts, West, Hansen & O'Brien, P.C. for consultation services in conjunction with collective bargaining and related matters. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1149 33. Approving payment of \$13,782.50 to Eric Akkerman for workers compensation claim for injury suffered in course and scope of employment. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1150 34. Approving payment of \$52,274.49 to James Calkins, an employee, for injury suffered in the course and scope of employment pursuant to an arbitration decision. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1151 35. Authorizing settlement of City of Des Moines v Housby-Mack, Inc. and A Development Company, Inc. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1152 36. Extension of authorization to employ Hall & Associates to represent City Stormwater Management Utility with regard to IDNR's issuance of TMDLs impacting the City's NPDES Permit and authorizing retention of Sullivan & Ward to act as local counsel for Hall & Associates. ([Council Communication No. 05-258](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1153 (A) Payment of billing from Hall and Associates in the amount of \$13,474.46 for services.

related to Des Moines NPDES Permit. **Moved by Hensley to adopt. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

- 05-1154 37. Submitting traffic regulation changes as follows: ([Council Communication No. 240](#)) **Moved by Hensley to receive, file, and refer to Legal Department preparation of proper legislation. Motion Carried 6-1.**
- (A) Corner Clearance-South Side of East Marion Street, East of SE 3rd Street.
 - (B) Removal of One Metered Parking Space-East Side of 15th Street, North of Grand Avenue.
 - (C) Corner Clearance-East Side of SE 22nd Street, North of East Marion Street.
 - (D) Corner Clearance-South Side of Watson Avenue, West of Saylor Road.
 - (E) Corner Clearance-North Side of East Kirkwood Avenue, West of SE 8th Court.
 - (F) Corner Clearance-West Side of 29th Street South of Cottage Grove Avenue.
 - (G) Various Handicapped Parking Meter Revisions.
 - (H) Corner Clearance-South Side of Prospect Road, East of 25th Street.
- 05-1155 38. Submitting out-of-state travel requests for Marcy Cable, Tom Vlassis, Tom Trim, Richard LeFleur, Susan Low, and Dani Stookey. ([Council Communication No. 05-245](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

APPROVING

- 05-1156 39. City of Des Moines Municipal Housing Agency Certificate of Consistency with the City's current Consolidated Plan. ([Council Communication No. 05-246](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
40. Items regarding The Metro Lofts for construction of condominium units, between Grand Avenue and 3rd Street, north of Vine Street:
- 05-1157 (A) Phase I Conceptual Development Plan. ([Council Communication No. 05-247](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1158 (B) Application for Enterprise Zone Benefits in Des Moines Gateway Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 6-1.**

- 05-1159 (C) Receive and file communication from Urban Design Review Board. **Moved by Hensley to receive and file. Motion Carried 6-1.**
- 05-1160 (D) Release of utility easement within site of Metro Lofts. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1161 41. Application for Enterprise Zone Benefits in Des Moines Gateway Enterprise Zone by Striggles Legacy II, LLC for construction of 90 apartment units at 1719 Grand Avenue. ([Council Communication No. 05-259](#)) **Moved by Hensley to approve. Motion Carried 6-1.**
- 05-1162 (A) Resolution approving temporary closure of the alley adjoining 1719 Grand Avenue and approving License Agreement with Striggles Legacy LLC for removal of pavement in preparation for redevelopment of the Meadow Gold property. ([Council Communication No. 05-251](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1163 42. Request from MidAmerican Energy Company for permission to construct and operate temporary overhead electrical transmission line in the Downtown Underground District. ([Council Communication No. 05-238](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1164 43. Facility Use Agreement Amendment with Des Moines Community School District to extend the use of Douglas Elementary School for the period June 1, 2005 through May 31, 2006 for Fire Department drill school (to amend Roll Call 05-993 of April 25, 2005). ([Council Communication No. 05-234](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1165 44. Renewal of Occupational Health Care Services Agreement with Des Moines University Clinic (DMU) for the period of July 1, 2005 through June 30, 2006. ([Council Communication No. 05-254](#)) **Moved by Coleman to adopt. Motion Carried 6-1.**
- 05-1166 45. Renewal of Coventry Health Care with HMO option for employees in Police and Fire Collective Bargaining groups. ([Council Communication No. 05-256](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1167 46. Renewal of contract with Wellmark Blue Cross and Blue Shield of Iowa for period of July 1, 2005 through June 30, 2006 for active employees and under age 65 retirees and approving rates for over age 65 (Medicare) retired employees. ([Council Communication No. 05-257](#)) **Moved by Coleman to adopt. Motion Carried 6-1.**
- 05-1168 47. City of Des Moines 2004 Annual Occupational Health & Safety Report. ([Council Communication No. 05-255](#)) **Moved by Hensley to receive and file. Motion Carried 6-1.**

48. Bids from the following:

- 05-1169 (A) Mid-States Ford for one 19,000 GVW aerial lift truck for use by the Engineering Department, Traffic and Transportation Division, \$62,149. (Twelve bids mailed, none received). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1170 (B) AAA Metro Board Up Corporation for an annual contract with two additional year renewal options to furnish board up services for vacant and abandoned houses to be used by the Community Development Department. (Two bids mailed, none received). ([Council Communication No. 05-235](#)) **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Hensley. Absent: Cownie.**
- 05-1171 (C) General Traffic Controls for various traffic signal equipment for the E/SE 1st Street/US Highway 69 Arterial Visibility Project to be used by the Engineering Department, Traffic and Transportation Division, \$60,427.50. (Eight bids mailed, none received). ([Council Communication No. 05-241](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1172 (D) Owen Crist Auto Body Services (District 1) and American Towing (District 2) for an agreement to furnish impounded vehicle towing and storage services to be used by the Police Department. (Eight bids mailed, three received). ([Council Communication No. 05-262](#)) **Moved by Vlassis to defer to the May 23, 2005 Council meeting. (This item has been scheduled for reconsideration at a special Council meeting on May 11, 2005 at 4:00 P.M.)**
- 05-1173 (E) Clarke Mosquito Control for mosquito control products and application services and Scott's Helicopter Service for larvicide aerial application services. (Eleven bids mailed, four received). ([Council Communication No. 05-236](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1174 (F) The Omega Group, sole source provider, for Crimeview Web software to be used by the Police Department, \$48,357.50. ([Council Communication No. 05-253](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1175 49. Bid from ASAP Software Express for Microsoft software products per State of Iowa Contract CT2545 to be used by the Information Technology Department, \$269,100. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1176 50. Civil Service Entrance Lists for Police Information Typist, Painter, Fleet Servicesperson, WRF Accounting and Inventory Coordinator, and Promotional List for Senior Police Officer. **Moved by Hensley to receive and file. Motion Carried 6-1.**
- 05-1177 51. Authorizing Finance Director to draw checks on the registers of May 12, 2005 and May 19, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of May 9, 2005 and May 16, 2005; and to draw checks of biweekly payroll due May 13, 2005.

13, 2005. **Moved by Hensley to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

- 05-1178 52. Amending Chapter 114 of the Municipal Code regarding Parking Restrictions to Facilitate New Drop-Off Postal Boxes—South Side of Grand Avenue between 14th Street and 15th Street. **Moved by Hensley that this ordinance do now pass, [#14,441](#). Motion Carried 6-1.**
53. On amendments to Zoning Ordinance and Site Plan Regulations (**recommendation to delay final action until the May 23rd Council meeting**): ([Council Communication 05-245](#))
- 05-1179 (A) To establish new “C-3B” Central Business District Mixed Use District. **Moved by Hensley to delay final consideration until May 23, 2005. Motion Carried 6-1.**
- 05-1180 (B) To establish design guidelines for review of site plans for development within the “C-3B” District, and requiring Plan and Zoning Commission approval of site plans for vehicle display lots in all districts. **Moved by Hensley to delay final action until May 23, 2005. Motion Carried 6-1.**
- 05-1181 (C) To rezone Riverpoint West area to “C-3B” District. **Moved by Hensley to delay final consideration until May 23, 2005. Motion Carried 6-1.**
- 05-1182 (D) To rezone property in vicinity of 122 and 200 SW 16th Street to impose additional regulations under “S-O” District. **Moved by Hensley to delay final consideration until May 23, 2005. Motion Carried 6-1.**
- 05-1183 (E) Resolution approving the application of the existing “C-3” “C-3R” and “C-3B” Landscape standards to development within the C-3B” and “D-R” Districts. **Moved by Hensley to delay consideration until May 23, 2005. Motion Carried 6-1.**
- 05-1184 54. To rezone property in the vicinity of 900 – 18th Street from “C-2” (General Retail Highway-Oriented Commercial) to “R-3” (Multi-Family Residential), “RHD” (Residential Historic) and “NPC” (Neighborhood Pedestrian Commercial); and to rezone “RH” (Residential Historic), “R-3” (Multi-Family Residential) and “R1-60” (One-Family Low Density Residential) to “NPC” (Neighborhood Pedestrian Commercial). **Moved by Hensley that this ordinance do now pass, [#14,442](#). Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

- 05-1185 55. Amending Chapter 26 of the Municipal Code to adopt 2003 International Building Code, 2003 International Existing Building Code, portions of the 2003 International Residential Code, 2003 International Mechanical Code, 2003 International Fuel Gas Code, 2003 National Electric Code, and miscellaneous amendments and reorganization, (Plumbing Code changes have been removed from this ordinance). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**
- 05-1186 56. Amending Chapter 98 of the Municipal Code regarding additional definitions and changes for solid waste collection services. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

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

ORDINANCES - FIRST CONSIDERATION

- 05-1187 57. Amending Chapter 42 of the Municipal Code regarding permitted hours of operation of sound equipment in the Court Avenue area, that may be authorized by a Type A sound permit. ([Council Communication No. 05-250](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**
- 05-1188 Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes. **Moved by Hensley that the rule requiring that this ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that this ordinance be placed upon its final passage and that the ordinance do now pass [#14,443](#). Motion Carried 6-1.**

COMMUNICATIONS/REPORTS

- 05-1189 58. From City Clerk regarding amendments to Council Rules No. 5 and No. 42A. **Moved by Vlassis to approve and incorporate the changes into the established Council Rules. Motion Carried 6-1.**

****Council considered Items 64 thru Board of Health next****

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 59 THRU 63)

- 05-1190 59. On vacation and sale of a strip of vacated 62nd Street right-of-way between Grand Ave and Walnut Hill Drive, to System Capital Real Property Corporation, \$5,700, (to correct error in the legal description on Roll Call 01-3078). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1191 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**
- 05-1192 (B) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that ordinances must be considered and voted on for passage at two Council Meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,444](#). Motion Carried 6-1.**
- 05-1193 60. On request from H & C Development LLC to amend the Meredith Village townhome PUD Concept Plan to allow enclosure on an existing deck addition to Building #4. **Moved by Vlassis to adopt. Motion Carried 6-1.**
- 05-1194 61. On request from Jose Gonzalez to rezone property at 2009 Clark Street and 1510 M King Jr. Parkway from “C-O” (Commercial Residential) to “C-1” (Neighborhood Retail Commercial) to allow site to be occupied as a bakery with retail component. **Moved by Vlassis to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1.**
- 05-1195 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**
- 05-1196 (B) Final consideration of ordinance above, (waiver requested by applicant), requiring votes. **Moved by Vlassis that the rule requiring that ordinances must be considered and voted on for passage at two Council Meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,444](#). Motion Carried 6-1.**
- 05-1197 62. On request from Randall Thompson to rezone property at 2711 Douglas Avenue from “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway Oriented Commercial) to bring overall property under common zoning. **Moved by Vlassis to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1.**
- 05-1198 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance**

considered and given first vote for passage. Motion Carried 6-1.

- 05-1199 (B) Final consideration of ordinance above, (waiver requested by applicant), require votes. **Moved by Vlassis that the rule requiring that ordinances must be considered and voted on for passage at two Council Meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,4](#). Motion Carried 6-1.**
63. On items regarding request from Jorge Morales to rezone property at 2218 E. 9th St from “C-1” (Neighborhood Retail Commercial) to Limited “C-2” (General Retail Highway Oriented Commercial) to allow a garage for general motor vehicle repair. ([Council Communication No. 05-244](#))
- 05-1200 (A) Recommendation from Plan and Zoning Commission to DENY. **Moved by Mahaffey to adopt and deny the proposed amendment. Motion Carried 6-1.**
- 05-1201 (B) Closing the Hearing on proposed rezoning. **Moved by Mahaffey to adopt and deny the proposed rezoning. Motion Carried 6-1.**
- 05-1202 (C) Communication from the Union Park Neighborhood Association. **Moved by Mahaffey to receive and file. Motion Carried 6-1.**

****END HEARINGS AT 5:38 P.M.****

APPROVING

- 05-1203 64. Urban Renewal Development Agreement with Mulberry Development, LLC for construction of at least 45 residential condominium units at 112 – 11th Street. ([Council Communication No. 05-261](#)) **Moved by Coleman to adopt. Motion Carried 5-1-1. Pass: Hensley. Absent: Cownie.**
- 05-1204 (A) Communication from Plan and Zoning regarding request from Mulberry Development, LLC for the vacation and lease of air rights over the east/west alley adjoining 112 – 11th Street. **Moved by Coleman to adopt and to refer to the City Manager to implement. Motion Carried 5-1-1. Pass: Hensley. Absent: Cownie.**
- 05-1205 65. Communication from City Manager regarding preliminary terms of Urban Renewal Development Agreement and Economic Development Grant to WKKS Properties, LLC (Jeffrey Schachtner, Managing Partner, DSM) for condominium conversion of Des Moines Tire Building, 120 SW 5th Street. ([Council Communication No. 05-237](#)) **Moved by Hensley to receive, file and approve the preliminary terms of agreement set forth in the accompanying Council Communication; and, to direct the City Manager to proceed with negotiations of a formal urban renewal agreement with WKKS Properties, LC consistent with the approved preliminary terms. Motion Carried 6-1.**

BOARD OF HEALTH

- 05-1206 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at 5:30 P.M. at the Board of Health. Motion Carried 6-1.**

AUTHORIZING

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:
 - 05-1207 (A) 3837 Beaver Avenue, Titleholders: Douglas D. and Katie M. Graham; Mortgage Holder: Commercial Federal Bank, F.S.B. **Moved by Kiernan to adopt. Motion Carried 5-1. Council Member Hensley declares a conflict of interest and abstains from voting.**
 - 05-1208 (B) 1401 2nd Place, Titleholder: Orlando Oakley; Contract Buyer: Zeferino Alspuro, Mortgage Holder: First National Acceptance Company. **Moved by Kiernan to adopt. Motion Carried 6-1.**
 - 05-1209 (C) 1222 12th Street (garage), Titleholder: Mooring Tax Asset Group XXXIV, LLC. **Moved by Kiernan to adopt. Motion Carried 6-1.**
 - 05-1210 (D) 1443 12th Street, Titleholder: Israel Solano. **Moved by Kiernan to adopt. Motion Carried 6-1.**
 - 05-1211 (E) 2825 SE 14th Street, Lot 41, (mobile home), Titleholder of the Real Estate: Duluth Properties, Inc.; Titleholder of the Mobile Home: Jose Castaneda; Mortgage Holder: First Bank. **Moved by Kiernan to adopt. Motion Carried 6-1.**
 - 05-1212 (F) 1248 E. 30th Street, Titleholder: Gamut, Inc.; Mortgage Holder: Household Financial Industrial Loan Company of Iowa. **Moved by Kiernan to adopt. Motion Carried 6-1.**
- 05-1213 2. The Engineering Department to cause the removal of the structure at 1613 Forest Avenue. Titleholders: James M. and Susan C. James; Mortgage Holders: Jeffrey P. and Rebecca Morrow. **Moved by Vlassis to adopt. Motion Carried 6-1.**

****Council considered Hearing Items 59 thru 63 next****

- 05-1214 MOTION TO ADJOURN. **Moved by Hensley to adjourn at 5:38 P.M. Motion Carried 6-1.**

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All-America City