

**\*\*\* 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 '07-' 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**

**September 24, 2007  
4:30 P.M.**

**PROCLAMATIONS – 4:15 P.M.**

[Alpha](#) Delta Kappa Month  
[Italian](#) Heritage Month

**SPECIAL RECOGNITIONS – 4:15 P.M.**

“Don’t Drink and Drive” Campaign – Fire Station 8

**INVOCATION:** Rev. Craig Robertson  
Grant Park Christian Church  
2440 Capitol Avenue

- [07-1812](#) 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis.**
- [07-1813](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

**\*\*Item 64 was considered at this time\*\***

\* \* \* \* \*

**\*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.**

- [07-1814](#) 3. APPROVING CONSENT AGENDA – items 3 through 45: **Moved by Kiernan to adopt the balance of the consent agenda. Motion Carried 7-0.**

## LICENSES AND PERMITS

- [07-1815](#) 4. Approving Alcoholic Beverage License Applications for the following: **Moved by Kiernan to adopt. Motion Carried 7-0.**

### NEW APPLICATIONS

(A)	CHERYLS	509 E 25 <sup>TH</sup> ST	C Liquor
(B)	DOS RIOS	316 COURT AVE	C Liquor
(C)	STEPIN OUT RESTAURANT/LOUNGE	1820 E ARMY POST RD	C Liquor

### RENEWAL APPLICATIONS

(D)	BISTRO MONTAGE	2724 INGERSOLL AVE	C Liquor
(E)	CITGO	1800 SE 14 <sup>TH</sup> ST	C Beer
(F)	DES MOINES CLUB	666 GRAND AVE	A Liquor
(G)	DES MOINES MARRIOTT HOTEL	700 GRAND AVE	B Liquor
(H)	DES MOINES MARRIOTT HOTEL	700 GRAND AVE	E Liquor
(I)	EMBASSY CLUB	1011 LOCUST ST	C Liquor
(J)	EMBASSY SUITES HOTEL	101 E LOCUST ST	B Liquor
(K)	FIREHOUSE LOUNGE	1930 SE 6 <sup>TH</sup> ST	C Liquor
(L)	LABAMBA MEX/AMERICAN REST.	6101 GRAND AVE	C Liquor
(M)	LUCCA	420 E LOCUST ST	C Liquor
(N)	OASIS LIQUOR	1401 BUCHANAN ST	E Liquor
(O)	SHOP N SAVE	2127 MLK JR PKWY	E Liquor
(P)	SMOKEYS TRIANGLE TAP	2506 POST	C Liquor
(Q)	TRATTORIA	207 4 <sup>TH</sup> ST	B Wine
(R)	TRATTORIA	207 4 <sup>TH</sup> ST	C Liquor
(S)	WELLMANS PUB	2920 INGERSOLL AVE	C Liquor

### SPECIAL EVENTS APPLICATIONS

- (T) DOWNTOWN EVENTS GROUP 431 E LOCUST AVE C Beer/Wine  
Five-Day License for World Food Festival on October 5-7, 2007. Pending approval of Electrical and Fire Departments.

- [07-1816](#) 5. City Clerk to issue Cigarette Licenses. **Moved by Kiernan to adopt. Motion Carried 6-1. Nays: Cownie.**

- [07-1817](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Kiernan to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

- [07-1818](#) 7. [Approving](#) agreement with Iowa Department of Transportation for Army Post Road widening from South Union Street to SW 9<sup>th</sup> Street. ([Council Communication No. 07-577](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

8. Approving the following Private Construction Contracts between McAninch Corporation and Jerry's Homes for Carman Estates Plat 6:

- [07-1819](#) (A) [Sanitary](#) Sewer Improvements. **Moved by Kiernan to adopt. Motion Carried 7-0.**

- [07-1820](#) (B) [Storm](#) Sewer Improvements. **Moved by Kiernan to adopt. Motion Carried 7-0.**

- [07-1821](#) 9. [Communication](#) from Cramer and Associates, Inc. requesting permission to sublet certain items on 7<sup>th</sup> & Grand Parking Garage Beam Repairs. **Moved by Kiernan to adopt. Motion Carried 7-0.**

10. Accepting completed construction and approving payment for the following:

- [07-1822](#) (A) [Van](#) Hauen & Associates, Inc. – 3400/3500 E. 14<sup>th</sup> Street Storm Sewer Repairs. **Moved by Kiernan to adopt. Motion Carried 7-0.**

- [07-1823](#) (B) [Bergstrom](#) Construction, Inc. – Fire Station No. 8 Renovation. **Moved by Kiernan to adopt. Motion Carried 7-0.**

- [07-1824](#) (C) [United](#) Contractors, Inc. – 5<sup>th</sup> & Walnut Parking Garage CFR Repair. **Moved by Kiernan to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- [07-1825](#) 11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2007-15. **Moved by Kiernan to adopt. Motion Carried 7-0.**

12. Approving the following for August 2007:

- [07-1826](#) (A) [Delinquent](#) Sewer Rental and/or Solid Waste/Stormwater Utility Credits. **Moved by**

**Kiernan to adopt. Motion Carried 7-0.**

- [07-1827](#) (B) [Delinquent](#) Sewer Rental and/or Solid Waste/Stormwater Utility Fees. **Moved by Kiernan to adopt. Motion Carried 7-0.**

#### **LAND/PROPERTY TRANSACTIONS**

- [07-1828](#) 13. [Establishing](#) fair market value and authorizing voluntary acquisition of 1529 13<sup>th</sup> Street for the Forest Avenue Urban Renewal Project. ([Council Communication No. 07-580](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-1829](#) 14. [Establishing](#) fair market value and authorizing acquisition of 200 SE 3<sup>rd</sup> Street for the Southeast Connector Project – SW 2<sup>nd</sup> to SE 6<sup>th</sup> Street Phase. ([Council Communication No. 07-578](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-1830](#) 15. [Approving](#) final subdivision plat entitled FORGET PROPERTIES PLAT 1 located at 4411 SE 14<sup>th</sup> Street. ([Council Communication No. 07-567](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-1831](#) 16. [Approving](#) tax abatement applications (69) for additional value added by improvements made during 2007. ([Council Communication No. 07-574](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-1832](#) 17. [Approving](#) tax abatement application for additional value added by improvements completed in 2004 for property at 3619 Brook Run Drive. ([Council Communication No. 07-576](#)) **Moved by Kiernan to adopt, and to request that the Polk County Assessor apply the tax abatement as soon as possible to this property. Motion Carried 7-0.**
- [07-1833](#) 18. [Conditionally](#) granting prior approval of tax abatement for a new residence at 5884 McKinley Avenue. ([Council Communication No. 07-586](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-1834](#) 19. [Acceptance](#) of permanent easement from George A. and Kimberly S. Flippo for Gay Lea Wilson Trail Project – Phase 3, \$1, plus closing costs. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-1835](#) 20. [Filing](#) Partial Release of Judgment Liens only as they stand as a lien on 1611 Jefferson Avenue and 2007 Martin Luther King Blvd. in order to allow transfer of title to Sue Moss. **Moved by Kiernan to adopt. Motion Carried 7-0.**

#### **SETTING DATE OF HEARINGS**

- [07-1836](#) 21. On conveyance of city-owned property adjoining 2722 E. Walnut Street to Robert L. Green, \$1, (10-8-07). **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-1837](#) 22. On vacation and conveyance of portion of Grandview Avenue and portions of the alleys in Grand View College Campus to Grand View College in conjunction with E. 14<sup>th</sup> Street Widening Project, \$68,585, (10-8-07). **Moved by Kiernan to adopt. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**
- [07-1838](#) 23. On request from Wayne Larson to rezone property at 2800 E. University Avenue from “R1-60” (One-Family Low-Density Residential) and “C-2” (General Retail and Highway-Oriented Commercial) to Limited “C-2” (General Retail and Highway-Oriented Commercial), to allow for use as a vehicle display lot for ATVs, mopeds, scooters, and related vehicles, subject to conditions, (10-8-07). **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-1839](#) 24. On request from Central City Liquors to rezone property at 1455 2<sup>nd</sup> Place and 218 Clark Street from “R1-60” (One-Family Low-Density Residential) to “M-1” (Light Industrial) to allow for construction of a 3,000 square foot commercial/industrial structure and associated parking, subject to conditions, (10-8-07). **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-1840](#) 25. On request from Curly Top, LLC to rezone property at 1900 SE 6<sup>th</sup> Street from Limited “R-3” (Multiple-Family Residential) to an amended Limited “R-3” (Multiple-Family Residential) to remove the existing zoning condition requiring a Planned Unit Development, to allow up to 80 units of senior apartments, (10-8-07). ([Council Communication No. 07-587](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-1841](#) 26. On request from John Williams to amend the Airport Commerce Park West PUD Conceptual Plan for property at 3700 SW 61<sup>st</sup> Street, to allow an automobile body and fender repair shop and garage for general motor vehicle repair, (10-8-07). ([Council Communication No. 07-592](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

#### LEGAL DEPARTMENT – CLAIM SETTLEMENTS & BILLINGS

- [07-1842](#) 27. Approving payment of \$11,233.25 to Ahlers & Cooney, P.C. Law Firm for services rendered for Section 108 Loan Agreement for River Point West LLC Project. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-1843](#) 28. Approving payment of \$5,192.93 to Iowa Department of Transportation as the result of a motor vehicle accident. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-1844](#) 29. Approving payment of \$6,902.56 to Hall & Associates for services related to combined sewer system and combined sewer overflows related to NPDES Permit. **Moved by Kiernan to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [07-1845](#) 30. [Submitting](#) travel request for Judy Bradshaw and Douglas Philip. ([Council Communication No. 07-583](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

## APPROVING

- [07-1846](#) 31. [Fiscal](#) Year 2007-08 LIHEAP contract with Iowa Department of Human Rights/Division of Community Action Agencies. ([Council Communication No. 07-591](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-1847](#) 32. [Form](#) of Agreement and contract documents for a \$250,000 HOME loan with Stockbridge L.P. for new construction of 42 units of Low Income Family Housing at 1815 High Street. ([Council Communication No. 07-569](#)) **Moved by Kiernan to adopt. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.**
- [07-1848](#) 33. [West](#) End Lofts, LLC application for Enterprise Zone Benefits for construction of 31 market rate residential condominiums at 1440 Locust Street in the Des Moines Gateway Enterprise Zone. ([Council Communication No. 07-581](#)) **Moved by Kiernan to approve. Motion Carried 7-0.**
- [07-1849](#) 34. [Amendment](#) to FY2005 Homeland Security Grant Programs supporting Iowa's Statewide Explosive Ordinance Disposal (EOD) and Special Weapons and Tactics (SWAT) to include an extension of the performance period to 9-30-07. ([Council Communication No. 07-568](#)) **Moved by Kiernan to approve. Motion Carried 7-0.**
- [07-1850](#) 35. [Neighborhood](#) Commercial Revitalization (NCR) Loan of \$192,150, a \$5,000 Pre-development Grant and a \$15,000 Façade Grant to BCC Management for the proposed rehabilitation of 1707 High Street. ([Council Communication No. 07-571](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-1851](#) 36. [Communication](#) from Downtown Community Alliance on behalf of the Iowa Coalition Against Domestic Violence, requesting approval of banner design for 30 banners to be displayed in downtown Des Moines on 5<sup>th</sup> and E. Locust Streets in October. **Moved by Kiernan to receive, file and approve banner design. Motion Carried 7-0.**
- [07-1852](#) 37. [Receipt](#) of Des Moines Water Works 2006 Audit Reports. **Moved by Hensley to receive, file and refer to City Manager for review and recommendation regarding year end**

**adjustments. Motion Carried 7-0.**

- [07-1853](#) 38. [Receipt](#) of Fiscal Year 2006/2007 Official Financial Report for City Streets. ([Council Communication No. 07-584](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-1854](#) 39. [Issuance](#) of a Request for Proposals (RFP) to provide Strategic Planning Consulting Services for assistance in development of an Information Technology Strategic Plan. ([Council Communication No. 07-585](#)) **Moved by Vlassis to approve; City Manager to provide a list of all existing IT contracts and any penalties for cancellation. Motion Carried 7-0.**
40. Bids from the following:
- [07-1855](#) (A) [KI](#) for Spacesaver storage units per U.S. Communities Contract for use by the Police Department, \$38,717.33. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-1856](#) (B) [The Armored Group, LLC](#) for six (6) Tactical Team Rapid Deployment Vehicles, (one to be used by the Des Moines Police Department, five to be used by other Task Force teams), \$407,000. ([Council Communication No. 07-566](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1857](#) (C) [Hawkeye](#) Truck Equipment for eight (8) truck tarp systems to be used by the Public Works Department, \$28,368. (Four bids mailed, two received). **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [07-1858](#) 41. [Civil](#) Service Entrance Lists for Housing Services Case Manager, Civil Engineer I, and Climate Control Technician. **Moved by Kiernan to receive and file. Motion Carried 7-0.**
- [07-1859](#) 42. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of September 24 and October 1, 2007; to draw checks for the bills of the [Des Moines Municipal Housing Agency](#) for the weeks of September 24 and October 1, 2007; and to draw checks for bi-weekly payroll due September 28, 2007. **Moved by Kiernan to adopt. Motion Carried 7-0.**

#### **ORDINANCES – SECOND CONSIDERATION**

43. NUMBER NOT USED.
- [07-1860](#) 44. [Amending](#) Chapter 70 of the Municipal Code regarding hunting permits in the Des Moines Special Deer Management Zones. **Moved by Kiernan that this ordinance be considered**

and given second vote for passage. Motion Carried 7-0.

- [07-1861](#) 45. Amending Chapter 114 of the Municipal Code, to place a handicapped parking space on the south side of Court Avenue between 4<sup>th</sup> Street and 5<sup>th</sup> Avenue. **Moved by Kiernan that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

\*\*Council considered Hearing Items 55 thru 63 next\*\*

#### ORDINANCES - SECOND CONSIDERATION

- [07-1862](#) 46. Providing for the special valuation of Wind Energy Conversion Property. **Moved by Kiernan that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- [07-1863](#) (A) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes. (Council Communication No. 07-564) **Moved by Kiernan that the rule requiring that an 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 the ordinance be placed upon its final passage and that the ordinance do now pass, #14,702. Motion Carried 7-0.**

#### ORDINANCES - FIRST CONSIDERATION

- [07-1864](#) 47. Amending Chapter 46 of the Municipal Code regarding single and multiple station smoke alarms. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [07-1865](#) (A) Final consideration of ordinance above, (waiver requested by Fire Department), requires 6 votes. (Council Communication No. 07-565) **Moved by Vlassis that the rule requiring that an 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 the ordinance be placed upon its final passage and that the ordinance do now pass, #14,703. Motion Carried 7-0.**

- [07-1866](#) 48. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: (Council Communication No. 07-575) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**



- (A) Parking Restrictions due to Drake University Driveway Relocation – University Avenue between 28<sup>th</sup> and 31<sup>st</sup>.
- (B) Stop Sign installation on E. 8<sup>th</sup> Street at Filmore.
- (C) Designation of Muskogee Avenue as a Through Stop Street between SW 63<sup>rd</sup> and North Valley Drive.
- (D) Designation of Taxicab stand – 3<sup>rd</sup> Street, north of Court Avenue.

[07-1867](#)

- (E) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that an 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 the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,704](#). Motion Carried 7-0.**

[07-1868](#)

- 49. **[Repealing](#)** Ordinance No. 14,686, approved on August 20, 2007, amending Chapter 26 relating to Licensing and Appeals Board as intended amendments were included in Ordinance No. 14,685. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[07-1869](#)

- (A) **[Final](#)** consideration of ordinance above, (waiver requested by Legal Department), requires 6 votes. **Moved by Vlassis that the rule requiring that an 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 the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,705](#). Motion Carried 7-0.**

## COUNCIL REQUESTS

[07-1870](#)

- 50. **[From](#)** Mayor Frank Cownie and Council Member Christine Hensley to approve a resolution from the American Lung Association to encourage the General Assembly of the State of Iowa to pass legislation enabling communities to establish policies for local control of smoking in public places. **Moved by Hensley to receive, file and approve. Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

- [07-1871](#) 51. **From** Vision Fuels Des Moines, L.L.C., regarding its progress towards financing and construction of an Ethanol Production Facility in the SE Agribusiness Park, and requesting amendment to the Agreement for sale of real estate. **Moved by Meyer to receive and file, and to authorize and direct the City Manager to negotiate with Vision Fuels on the sale of the additional 36 acres and other appropriate amendments to the Agreement, for consideration by the City Council after notice and public hearing at a later date. Motion Carried 6-1. Pass: Cownie.**
- [07-1872](#) 52. **Request** to consent to use of state financial assistance for new Aviva USA Building in West Des Moines. **Moved by Kiernan to adopt. Motion Carried 6-1. Nays: Vlassis.**
- [07-1873](#) 53. **From** Susan Brown, 300 Walnut Street, #160, to speak regarding music noise levels on Court Avenue. **Moved by Hensley to receive and file comments; refer to the City Manager for review and recommendation at the October 22<sup>nd</sup> Council meeting. Motion Carried 7-0.**
- [07-1874](#) 54. **From** Jeffrey Lamm, 4701 Hickman, to speak regarding transportation for disabled persons. **Moved by Hensley to receive and file comments. A representative from DART will contact Mr. Lamm. Motion Carried 7-0.**

\*\*Council considered Items 65 thru Board of Health next\*\*

## INFORMAL HEARINGS (OPEN AT 5:05 P.M.) (ITEM 55)

- [07-1875](#) 55. **On** sidewalk construction for the following: **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- (A) SE 14<sup>th</sup> Street (west side) from McKinley Avenue to Cummins Road.
- (B) State Avenue (both sides) from E. 32<sup>nd</sup> Street to E. 33<sup>rd</sup> Street.

## HEARINGS (OPEN AT 5:07 P.M.) (ITEMS 56 THRU 63)

56. On appeal of Historic Preservation Commission decision regarding 1520 Center Street: **(continued from 9-10-07.)**
- [07-1876](#) (A) **Affirming** the decision. **Moved by Hensley to continue to October 8, 2007 Council Meeting at 5:00 P.M. Motion Carried 6-0. Council Member Kiernan declares a conflict of interest and abstains from voting.**

WITHDRAWN

- [07-1877](#) (B) **ALTERNATE RESOLUTION:** Reversing the decision of the Historic Preservation Commission.

- [07-1878](#) 57. **On** conveyance of a portion of vacated north/south alley right-of-way between E. 29<sup>th</sup> Street and E. 29<sup>th</sup> Court, south of Dean Avenue to Ronald A. Conn, \$50. ([Council Communication No. 07-582](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [07-1879](#) 58. **On** request from Jeff Brands to rezone property at 2121 Hubbell Avenue from “R1-60” (One Family Low-Density Residential) to “C-2” (General Retail and Highway Oriented Commercial) to allow overall site redevelopment for a drive-through restaurant, subject to conditions. **Moved by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [07-1880](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [07-1881](#) (B) **Final** consideration of ordinance above, (waiver request by applicant), requires 6 votes. **Moved by Meyer that the rule requiring that an 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 the ordinance be placed upon its final passage and that the ordinance do now pass, #14,706. Motion Carried 7-0.**
59. NUMBER NOT USED.
- [07-1882](#) 60. **On** Urban Renewal Agreement for sale of land for private redevelopment, to Nelson Development 15, LLC, 230 E. Grand Avenue. ([Council Communication No. 07-572](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [07-1883](#) 61. **Hearing** on first consideration of vacation ordinance for E. 18<sup>th</sup> Street between Mattern and E. Jefferson Avenue, and Mattern Avenue between Dixon and DeWolf Streets. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [07-1884](#) (A) **Final** consideration of vacation ordinance, (waiver requested by Office of Economic Development), requires 6 votes. **Moved by Mahaffey that the rule requiring that an 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 the ordinance be placed upon its final passage and that the ordinance do now pass, #14,707. Motion Carried 7-0.**
- [07-1885](#) (B) **Recommendation** from Plan and Zoning Commission. **Moved by Mahaffey to receive and file, and refer to the City Manager for implementation in accordance with the City’s standard property disposition procedures. Motion Carried 7-0.**

- [07-1886](#) 61. (C) **On** Urban Renewal Development Agreement with Houghton Properties; conveyance of Disposition Parcel 16A in the Guthrie Avenue Business Park Urban Renewal Area; Ground Lease for vacated but not conveyed right-of-way; license for Developer's Access before conveyance; and authorizing execution of closing and conveyance documents. ([Council Communication No. 07-595](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [07-1887](#) 62. **On** Release of Easement for sanitary sewer right-of-way at 911 29<sup>th</sup> Street in conjunction with I-235 Sanitary Sewer Relocation Project – Group 4. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1888](#) 63. **On** amendment to Chapter 106 of the Municipal Code, (Subdivisions) to provide for new regulations, prohibitions and enforcement provisions relating to stormwater runoff control plans and maintenance of stormwater management facilities. **Moved by Vlassis to adopt and approve, subject to final passage of the enacting ordinance. Motion Carried 7-0.**
- [07-1889](#) (A) **Final** consideration of ordinance amending Chapters 42, 82, and 106 of the Municipal Code regarding post-construction run-off requirements for the City's National Pollution Discharge Elimination System. **Moved by Vlassis that this ordinance do now pass, #14,708. Motion Carried 7-0.**

**\*\*END HEARINGS AT 5:12 P.M.\*\***

**\*\*Council considered Items 46 thru 54 next\*\***

#### **CITY MANAGER RECOMMENDATIONS**

- [07-1890](#) 64. **Regarding** preliminary terms of agreement with Wellmark for redevelopment of the two blocks adjoining north side of Grand Avenue between 12<sup>th</sup> and 14<sup>th</sup> Streets for its new home office facility. ([Council Communication No. 07-593](#)) **Moved by Hensley to receive and file, and to authorize and direct the City Manager to negotiate a final development agreement with Wellmark as described in the Council Communication. Motion Carried 7-0.**
- [07-1891](#) (A) **Approving** RISE application to reconstruct High Street from 10<sup>th</sup> to 14<sup>th</sup> Streets and to realign the 12<sup>th</sup> Street intersection. **Moved by Hensley to adopt. Motion Carried 7-0.**

## APPROVING

- [07-1892](#) 65. [Setting](#) Date of Hearing and authorizing various related actions on the Beavertdale Commercial Area Urban Renewal Plan, (11-19-07) ([Council Communication No. 07-579](#))  
**Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1893](#) 66. [Communication](#) from the City Manager regarding preliminary terms of agreement with Rice Development Partners, LLC for financial assistance related to the development of a mixed-use project at 3001 Beaver Avenue. ([Council Communication No. 07-573](#))  
**Moved by Vlassis to receive and file, and to authorize and direct the City Manager to negotiate a final development agreement with Rice Development Partners as described in the Council Communication. Motion Carried 7-0.**
- [07-1894](#) 67. [Beavertdale](#) Mixed-Use PUD Final Development [Plan](#) for a mixed-use commercial and residential development at 3001 Beaver Avenue. ([Council Communication No. 07-596](#))  
**Moved by Coleman to adopt. Motion Carried 7-0.**

## BOARD OF HEALTH

- [07-1895](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

## AUTHORIZING

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
  - [07-1896](#) (A) [1547](#) 4<sup>th</sup> Street, Titleholder: First National Acceptance Company; Contract Buyers: Gordon Rowe and Sharon Rowe. **Moved by Coleman to adopt. Motion Carried 7-0.**
  - [07-1897](#) (B) [1102](#) E. 12<sup>th</sup> Street, Titleholder: Deutsche Bank National Trust Company as Trustee under the Pooling and Servicing Agreement dated as of October 1, 2002, Morgan Stanley Dean Witter Capitol I Inc., Trust 2002-AM3. **Moved by Coleman to adopt. Motion Carried 7-0.**
  - [07-1898](#) (C) [1632](#) 23<sup>rd</sup> Street (garage), Titleholder: Hai Van Le; Mortgage Holder: Citifinancial, Inc. **Moved by Coleman to adopt. Motion Carried 7-0.**
  - [07-1899](#) (D) [532](#) 36<sup>th</sup> Street, Titleholder: Ruth Rae Smith; Mortgage Holder: Pauline Spitznagel. **Moved by Hensley to defer to October 22, 2007 meeting. Motion Carried 7-0.**
  - [07-1900](#) (E) [2421](#) E. 36<sup>th</sup> Street, Titleholder: SRS, Inc.; Contract Buyer: Jack Franklin. **Moved by Coleman to adopt. Motion Carried 7-0.**

[07-1901](#) (F) [1801](#) Franklin (garage): Titleholders: Randy Grimm and Grace Malloy. **Moved by Coleman to adopt. Motion Carried 7-0.**

[07-1902](#) 2. [The](#) release of the fire escrow account held for the structure located at 2326 E. 39<sup>th</sup> Street. **Moved by Meyer to adopt. Motion Carried 7-0.**

[07-1903](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:57 P.M. Motion Carried 7-0.**

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All-America City  
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