



***** 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 '21-' 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
MSC Board Room, Municipal Services Center
1551 E. M.L. King, Jr. Pkwy
Des Moines, Iowa 50317

March 8, 2021
4:30 PM

Iowa Code Section 21.4 requires that each Council meeting shall be held at a place reasonably accessible to the public and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impracticable. Given Mayor Cownie's March 17, 2020 Proclamation Amendment, as amended, prohibiting indoor gatherings of ten or more persons on public property and Section One of the Governor's February 5, 2021 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and further given Section One Hundred Eight of the Governor's February 5, 2021 Proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, the City Council has determined that a meeting at a physical place is impossible or impracticable and all Council meetings for the time being will be conducted electronically with the public allowed to attend per the instructions on this agenda. Meeting minutes will continue to be provided per the City's normal course of business.

Mayor and Council Members will be participating by ZOOM meeting due to COVID-19.

https://dmgov-org.zoom.us/webinar/register/WN_f1zP6Fs9Ra6rQuCKARzdcA
336793

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Webinar ID: 858 8152 9685

I. **CLOSED SESSION – 3:30 PM.**

- [21-0338](#) (A) Roll Call. **Present: Cownie, Boesen, Gray, Mandelbaum, Voss and Westergaard. Absent: Gatto.**
- [21-0339](#) (B) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C, of the Iowa Code, to discuss necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City. **Moved by Voss to adopt. Motion Carried Upon Roll Call 6-1. Absent: Gatto.**
- [21-0340](#) (C) Closed Session.
- [21-0341](#) (D) Terminate closed session and reconvene in open session. **Moved by Mandelbaum to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0342](#) (E) Motion to adjourn. **Moved by Boesen to adjourn at 4:11 PM. Motion Carried 6-1. Absent: Gatto.**
- [21-0343](#) 1. ROLL CALL: **Present: Cownie, Boesen, Gray, Mandelbaum, Voss and Westergaard. Absent: Gatto. Council Member Gatto entered the meeting at 5:06 PM.**
- [21-0344](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Boesen to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0345](#) 3. APPROVING CONSENT AGENDA * – items 3 through 50: **Moved by Voss to adopt the balance of the consent agenda. Motion Carried 6-1. Absent: Gatto.**

***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.**

LICENSES AND PERMITS

- [21-0346](#) 4. **Approving alcoholic beverage license applications for the following: Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

NEW APPLICATIONS

- | | | |
|-----------------------|------------------|----------|
| (A) CASEYS #3915 | 3200 SW 9TH ST | C Beer |
| (B) EAST END LIQUOR | 3804 HUBBELL AVE | E Liquor |
| (C) GOOD NEWS DARLING | 717 LOCUST ST | C Liquor |

RENEWAL APPLICATIONS

(D)	1717 BREWING COMPANY	322 E COURT AVE	B Beer
(E)	BUZZARD BILLYS	615 3RD ST	C Liquor
(F)	CHUCKS	3608 6TH AVE	C Liquor
(G)	DLS SPORTS BAR & GRILL	2718 DOUGLAS AVE	C Liquor
(H)	DOLLAR GENERAL STORE #13292	3102 MERLE HAY RD	C Beer
(I)	DOLLAR GENERAL STORE #313	2570 HUBBELL AVE	C Beer
(J)	DOLLAR GENERAL STORE #4554	1020 E ARMY POST RD	C Beer
(K)	DOLLAR GENERAL STORE #4991	3223 SE 14TH ST	C Beer
(L)	DOLLAR GENERAL STORE #6077	221 SW 63RD ST	C Beer
(M)	DOLLAR GENERAL STORE #6725	1428 E OVID AVE	C Beer
(N)	DOLLAR GENERAL STORE #6735	3650 INGERSOLL AVE	C Beer
(O)	EL POLLO CATRACHO	4100 SE 14TH ST	C Liquor
(P)	FRANCIES	2100 WAKONDA VIEW	C Liquor
(Q)	GOPUFF	1510 OHIO ST	C Beer
(R)	GRANDVIEW GOLF COURSE	2401 E 29TH ST	C Liquor
(S)	IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	C Liquor
(T)	MALO RESTAURANT	900 MULBERRY ST	C Liquor
(U)	MCCUENS PUB	2565 WEDGEWOOD	C Liquor
(V)	PANKA PERUVIAN RESTAURANT	2708 INGERSOLL AVE	C Liquor
(W)	TACOS LA FAMILIA	1610 6TH AVENUE	C Liquor
(X)	WING STOP	3803 MERLE HAY RD	C Beer/Wine

TRANSFERS TO NEW LOCATION

(Y) ELWELL FAMILY FOOD CENTER 3000 E GRAND AVE C Liquor
Temporary to the cattle barn for an event on March 15 – 21, 2021.

(Z) ELWELL FAMILY FOOD CENTER 3000 E GRAND AVE C Liquor
Temporary to the cattle barn for an event on March 11-14, 2021.

~~(AA) GARDEN NIGHTCLUB 525 E GRAND AVE C Liquor~~
Permanent transfer from 112 SE 4th Street.

OUTDOOR SERVICE APPLICATION

(BB) TRUMANS 400 SE 6TH ST C Liquor
Temporary in conjunction with an event on March 17 – 18, 2021.

SPECIAL EVENT APPLICATION

(CC) PAVILION 3000 E GRAND AVE Five (5) Day License
Class B Beer License for the Horse Fair on March 24 – 28, 2021.

[21-0347](#)

5. [City Clerk](#) to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Voss to adopt. Motion Carried 5-1-1. Nays: Cownie. Absent: Gatto.**

[21-0348](#) 6. [City Clerk](#) to issue Coin Operated Machine Licenses. **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[21-0349](#) (A) [2021](#) HMA Residential Paving Program Contract 1: Receiving of bids (3-23-21), and Setting date of hearing, (4-19-21). Engineer's estimate, \$900,000. ([Council Communication No. 21-110](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

[21-0350](#) (B) [2021](#) City-Wide PCC Pavement Restoration Program: Receiving of bids, (3-23-21) and Setting date of hearing, (4-19-21). Engineer's estimate, \$610,700. ([Council Communication No. 21-101](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

[21-0351](#) (C) [2021](#) Sidewalk Replacement Program: Receiving of bids, (3-23-21) and Setting date of hearing, (4-19-21). Engineer's estimate, \$280,000. ([Council Communication No. 21-107](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

[21-0352](#) (D) [Meredith](#) Trail Bank Repair near S.W. 7th Street: Receiving of bids, (3-23-21) and Setting date of hearing, (4-19-21). Engineer's estimate, \$923,000. ([Council Communication No. 21-114](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

[21-0353](#) (E) [MacRae](#) Park Improvements Phase 3: Receiving of bids, (4-6-21) and Setting date of hearing, (4-19-21). Engineer's estimate, \$2,700,000. ([Council Communication No. 21-112](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

[21-0354](#) 8. [Approving](#) exception to Request for Proposal process for good cause and approving Professional Services Agreement with Olsson, Inc. for traffic engineering services for the Traffic Signal Timing Updates Phase 3, not to exceed \$266,408.03. ([Council Communication No. 21-106](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

[21-0355](#) 9. [Approving](#) Supplemental Agreement No. 4 to the Professional Services Agreement (PSA) with Veenstra & Kimm, Inc. for additional design and construction phase services for the River Bend and King Irving Sewer Separation Project, \$232,256. ([Council Communication No. 21-109](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

- [21-0356](#) 10. [Approving](#) exception to request for proposal process for good cause and approving professional services agreement with Civil Design Advantage, LLC for Gray's Lake Parkway Extension, \$100,000. ([Council Communication No. 21-111](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0357](#) 11. [Approving](#) Change Order No. 4 with Koester Construction Company, Inc. for additional work on Municipal Service Center – Phase 2, \$77,699. ([Council Communication No. 21-113](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
12. Items regarding the Carlisle Connection Multi-Use Recreational Trail project:
- [21-0358](#) (A) [Approval](#) of Chapter 28E Agreement with Warren County and Warren County Conservation Board for voluntary property acquisition, construction, ownership and maintenance of the Carlisle Connection Multi-Use Recreational Trail within Warren County. ([Council Communication No. 21-118](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0359](#) (B) [Approval](#) of Chapter 28E Agreement with the City of Carlisle for voluntary property acquisition, construction, ownership and maintenance of the Carlisle Connection Multi-Use Recreational Trail within the City of Carlisle. ([Council Communication No. 21-117](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0360](#) (C) [Approving](#) Professional Services Agreement with Snyder & Associates, Inc. for design services for the Carlisle Connection Multi-Use Recreational Trail project, not to exceed \$164,742. ([Council Communication No. 21-116](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
13. Approving completion and acceptance of private construction contracts for the following:
- [21-0361](#) (A) [S.W. McKinley](#) Avenue and S.W. 63rd Street, Corell Contractors, Inc. and Bell Avenue Properties. **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0362](#) (B) [S.W. McKinley](#) Avenue and S.W. 63rd Street, Concrete Technologies, Inc. and Bell Avenue Properties. **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0363](#) 14. [Communication](#) from contractors requesting permission to sublet certain items on public improvement project. **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
15. Accepting completed construction and approving final payment for the following:
- [21-0364](#) (A) [Public](#) Works Salt Shed Expansion, A & B Construction, Ltd. **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

[21-0365](#) (B) [2020](#) Traffic Signal Replacement Contract 2, Van Maanen Electric, Inc. **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

[21-0366](#) (C) [Bell](#) Avenue Reconstruction from South Union Street to SW 9th Street, OMG Midwest, Inc. dba Des Moines Asphalt & Paving. **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

SPECIAL ASSESSMENTS

[21-0367](#) 16. [Levy](#) Assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code and providing for the payment thereof, (Schedule No. 2021-03). **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

[21-0368](#) 17. [Recommendation](#) from Council Member Westergaard to appoint Joseph Cephas Z. K. Davis to the Greater Des Moines Sister Cities Commission, Seat 11, for a five-year term commencing April 28, 2016 to April 28, 2021, and an additional five-year term (April 28, 2021 to April 28, 2026). **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

[21-0369](#) 18. [Recommendation](#) from Council Member Westergaard to appoint Brandi Miller to the Greater Des Moines Sister Cities Commission, Seat 10, for a five-year term commencing April 28, 2016 to April 28, 2021, and an additional five-year term (April 28, 2021 to April 28, 2026). **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

[21-0370](#) 19. [Recommendation](#) from Council Member Gray to appoint Wendall Eck to the Housing Appeals Board, Seat 4 for a three-year term commencing on March 16, 2021 to March 16, 2024. **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

SETTING DATE OF HEARINGS

[21-0371](#) 20. [On](#) request from Woodsonia Acquisitions, LLC, to rezone property located at 2510 Ingersoll Avenue from MX2 Mixed Use District to MX3 Mixed Use District to allow use as a restaurant with a drive through as an accessory use, (3-22-21). **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

[21-0372](#) 21. [On](#) request from Meier Family, LLC (Charles Meier, Officer) to rezone property at 1324 and 1328 East Euclid Avenue from MX3 Mixed Use District to RX2 Mixed Use District to allow the property to be redeveloped with ground floor Multiple Household Living use, (3-22-21). **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

- [21-0373](#) 22. [On](#) request from Hilltop Housing, LLC (Owner) to amend PlanDSM Future Land Use Designation and approve 1st Amendment to the “Hilltop Apartments” Legacy PUD Conceptual Plan for property located at 3722 and 3726 Hubbell Avenue and 3680 and 3688 Kennedy Drive, (3-22-21). **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0374](#) 23. [On](#) request from Calvin Park Mixed-Use Condominiums for approval of 1st Amendment to the “Calvin Community” Legacy PUD Conceptual Plan for property located at 4326 Hickman Road, (3-22-21). **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0375](#) 24. [On](#) conveyance of excess City-owned property located at 620 Douglas Avenue and 994 25th Street to Invest DSM, Inc. for \$33,500, (3-22-21). **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0376](#) 25. [On](#) vacation of portions of East 35th Street, East 39th Street, East 40th Street, East 41st Street and East Sheridan Avenue and Osceola Avenue right-of-way located in the Fourmile Creek Floodplain and conveyance to Polk County Conservation Board for the Lower Fourmile Creek Greenway Project, (3-22-21). **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0377](#) 26. [On](#) proposed short-term lease with Westbrooke Apartments, LLC for the rental of apartments at 4001 EP True Parkway for temporary housing for Americorps Volunteers serving the Parks Department, (3-22-21). **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0378](#) 27. [On](#) amendment to the 2019 Action Plan for the U.S. Department of Housing and Urban Development (HUD) 2015-2019 Consolidated Plan, (3-22-21). **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [21-0379](#) 28. [Approving](#) payment for the claim of Unite Private Networks. **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

APPROVING

- [21-0380](#) 29. [Urban](#) Renewal Development Agreement with 3523 6th Avenue, LLC (Joe Cordaro, Randy Reichardt) for the commercial renovation of the existing building at 3523 6th Avenue. ([Council Communication No. 21-119](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

- [21-0381](#) 30. [Urban](#) renewal development agreement with 3524 6th Avenue, LLC (Joe Cordaro, Randy Reichardt) and conceptual development plan for the renovation of 3524 6th Avenue into a mixed-use multi-residential and commercial development. ([Council Communication No. 21-120](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0382](#) 31. [Minimum](#) Assessment Agreement with Jarcor, LLC for the Argonne Apartment Building, 1723 Grand Avenue. **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0383](#) 32. [Chapter](#) 28E Agreement with Johnston, Polk County and Polk County Conservation Board for the construction, funding and maintenance of the bridge over Beaver Creek on the Trestle to Trestle multi-use recreational trail. ([Council Communication No. 21-092](#)) **Moved by Voss to adopt. Motion Carried 5-1-1. Nays: Gray. Absent: Gatto.**
- [21-0384](#) 33. [Chapter](#) 28E Agreement with Des Moines Independent Community School District regarding Brody School Park. ([Council Communication No. 21-096](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0385](#) 34. [Donation](#) and naming agreement with Susan Moore and Des Moines Parks and Recreation Foundation for the Natural Playscape at MacRae Park and naming the playscape the “Larry E. Moore Natural Playscape at MacRae Park.” ([Council Communication No. 21-095](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0386](#) 35. [Second](#) Amendment to Municipal Parking Facilities Management Agreement with ABM Parking Services, Inc. ([Council Communication No. 21-100](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0387](#) 36. [Receive](#) and file communication from the Beaverdale SSMID Board regarding the levy for the Beaverdale Self-Supported Municipal Improvement District (SSMID). **Moved by Voss to receive and file. Motion Carried 6-1. Absent: Gatto.**
- [21-0388](#) 37. [Receive](#) and file communication from the Highland Park SSMID Board regarding the levy for the Highland Park Self-Supported Municipal Improvement District (SSMID). **Moved by Voss to receive and file. Motion Carried 6-1. Absent: Gatto.**
- [21-0389](#) 38. [Receive](#) and file communication from the Roosevelt Cultural District SSMID Board regarding the levy for the Roosevelt Cultural District Self-Supported Municipal Improvement District (SSMID). **Moved by Voss to receive and file. Motion Carried 6-1. Absent: Gatto.**

- [21-0390](#) 39. [Budget](#) for the Ingersoll-Grand Self-Supported Municipal Improvement District (SSMID) for the fiscal year ending June 30, 2022. **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0391](#) 40. [Budget](#) for the Downtown Self-Supported Municipal Improvement District (SSMID) for fiscal year ending June 30, 2022. **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0392](#) 41. [Budget](#) for the SW 9th Corridor Self-Supported Municipal Improvement District (SSMID) for the fiscal year ending June 30, 2022. **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0393](#) 42. [Submittal](#) of Center Street Park and Ride Facility Annual Budget to Des Moines Area Regional Transit Authority (DART) and authorization of budget expenditures. **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0394](#) 43. [Transit](#) related grants from excess Center Street Park and Ride Facility revenues to Des Moines Area Regional Transit Authority (DART). **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0395](#) 44. [Fund](#) Transfer Resolution of the city of Des Moines (FY 2021). ([Council Communication No. 21-097](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0396](#) 45. [Fund](#) Transfer Resolution of the city of Des Moines (FY 2022). ([Council Communication No. 21-097](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
46. Purchases from the following:
- [21-0397](#) (A) [Heartland](#) Business Systems, LLC (Peter Helander, CEO) for Cisco Network hardware to be used by the Information Technology Department per State of Iowa Contract, \$83,812.32. ([Council Communication No. 21-093](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0398](#) (B) [Minturn](#), Inc. (Gregory Menke, President) for cement repairs to the Martin Luther King Jr. Park Splash Pool as requested by the Facilities Operations Division, \$48,940. (38 potential bidders, two received). **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**
- [21-0399](#) (C) [Pigott, Inc.](#) (John Stenberg, President and Owner) for office furniture to support reorganization of Neighborhood Services and Development Services and associated new staff as requested by the Facilities Operations Division per State of Iowa Contract, \$162,074.83. ([Council Communication No. 21-094](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

[21-0400](#) (D) [Hallett](#) Materials (Kyle Timmer, Vice President), Schildberg Construction (Mark Schildberg, President), Lounsbury Sand & Gravel (Ben Lounsbury, President), Sarah & Andrew Trucking (Rick Clark, President), Martin Marietta Aggregates (Howard Nye, President), and InRoads Paving (Joe Manatt, President) for an annual contract with four additional one-year renewal options to furnish construction and aggregate materials as requested by the Public Works Department, \$400,000 annual estimated cost. (Eight potential bidders, six received). **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

[21-0401](#) (E) [Streicher's](#) (Jeremy Jenniges, President) for 70 sets of ballistic personal protective equipment for the Fire Department's suppression apparatus and reserve ambulances as requested by the Fire Department per NASPO ValuePoint contract, \$104,992.30. ([Council Communication No. 21-098](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

[21-0402](#) 47. [Purchase](#) of annual software maintenance and support for the VIPER call routing system from Qwest Corporation d/b/a/ CenturyLink (Jeffery Storey, President and Chief Executive Officer). ([Council Communication No. 21-099](#)) **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

[21-0403](#) 48. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of March 8 and 15, 2021; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of March 8 and 15, 2021; to draw checks for biweekly payroll due March 12, 2021. **Moved by Voss to adopt. Motion Carried 6-1. Absent: Gatto.**

ORDINANCES - FINAL CONSIDERATION

[21-0404](#) 49. [Amending](#) Sections 26-904 and 26-905, relating to revised deadlines for submittal of energy and water use benchmarking reports and exemptions. **Moved by Voss that this ordinance do now pass, #15,983. Motion Carried 5-1-1. Nays: Westergaard. Absent: Gatto.**

ORDINANCES - SECOND CONSIDERATION

[21-0405](#) 50. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation changes as follows: **Moved by Voss that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Absent: Gatto.**

- (A) Code modifications related to the vacation of 25th Street between Clark Street and Forest Avenue.
- (B) Code modifications related to the Franklin Avenue Resurfacing from Beaver Avenue to Merle Hay Road Project.
- (C) Code Modifications related to the Brook Landing Plat 2 Development.

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

ORDINANCES - FIRST CONSIDERATION

- [21-0406](#) 51. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 21-115](#)) **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Gatto.**
- (A) Code modification related to the Connelly Lofts public improvement project on Raccoon Street between SE 6th and SE 7th Streets.
- (B) Parking Restriction Revision—Cherry Street between 8th and 9th Streets.
- [21-0407](#) (C) Final consideration of ordinance above, requires six votes. **Moved by Mandelbaum 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, #15,984. Motion Carried 6-1. Absent: Gatto.**
- [21-0408](#) 52. **Amending** Chapter 50 of the Municipal Code relating to floodplain development. ([Council Communication No. 21-108](#)) **Moved by Boesen that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Gatto.**
- [21-0409](#) (A) **Final** consideration of ordinance above (waiver requested by the City Manager), requires six votes. **Moved by Boesen 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, #15,985. Motion Carried 6-1. Absent: Gatto.**
- [21-0410](#) 53. **Amending** Chapter 114 of the Municipal Code relating to rates for City parking garages. ([Council Communication No. 21-103](#)) **Moved by Boesen that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Gatto.**
- [21-0411](#) (A) **Final** consideration of ordinance above (waiver requested by the City Manager), requires six votes. **Moved by Boesen 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, #15,986. Motion Carried 6-1. Absent: Gatto.**

COMMUNICATIONS/REPORTS

- [21-0412](#) 54. **Requests** to speak as follows: **Moved by Gatto to receive and file. Holly Herbert, Holly Hallman, Jack Groepper and Debra Howell did not speak. Motion Carried 7-0.**
- (A) Adam Callanan.
- (B) Luis Gomez.

- (C) Holly Herbert.
- (D) Molly Arndt.
- (E) Vanessa Moranchel.
- (F) Chelsea Chism-Vargas.
- (G) Kaitlyn Hanson.
- (H) Denver Foote.
- (I) Matthea Little Smith
- (J) Brenda McDonald.
- (K) Veola Perry.
- (L) Holly Hallman.
- (M) Indira Sheumaker.
- (N) Jack Groepper.
- (O) Paden Sheumaker.
- (P) Justyn Lewis.
- (Q) Debra Howell.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 55 THRU 67)

- [21-0413](#) 55. To correct the vacation of a portion of Ashworth Park located north of and adjoining 514 Foster Drive. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [21-0414](#) (A) First consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [21-0415](#) (B) Final consideration of ordinance above (waiver requested by Phillip G. Wageman, Real Estate Division Manager), requires six votes. **Moved by Mandelbaum 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, #15,987. Motion Carried 7-0.**
- [21-0416](#) 56. To correct the vacation of a portion of Court Avenue right-of-way located south of and adjoining 319 Court Avenue. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [21-0417](#) (A) First consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [21-0418](#) (B) Final consideration of ordinance above (waiver requested by Phillip G. Wageman, Real Estate Division Manager), requires six votes. **Moved by Mandelbaum 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, #15,988. Motion Carried 7-0.**

- [21-0419](#) 57. **On** request form Mundo Pequenito, LLC to vacate a segment of Southwest 1st Street right-of-way between Columbus Avenue and Indianola Road and conveyance to Mundo Pequenito, LLC for \$4,320. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [21-0420](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [21-0421](#) (B) Final consideration of ordinance above, requires six votes. **Moved by Mandelbaum 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, #15,989. Motion Carried 7-0.**
- [21-0422](#) 58. **On** City-initiated request for vacation of a segment of East 38th Street right-of-way between Hubbell Avenue and East Douglas Avenue and conveyance to Git-N-Go Convenience Stores, Inc for \$69,440. ([Council Communication No. 21-102](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [21-0423](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [21-0424](#) (B) Final consideration of ordinance above, requires six votes. **Moved by Westergaard 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, #15,990. Motion Carried 7-0.**
- [21-0425](#) 59. **On** request from Wesley Retirement Services, Inc. for approval of an amendment to the Wesley Acres PUD Conceptual Plan on property located at 3520 Grand Avenue and 401 37th Street. Continued from February 22nd. **Moved by Mandelbaum to adopt; Property owner shall be required to annually submit a storm water detention maintenance report to the City Storm Water Utility to demonstrate continued functional operation of the approved storm water management improvements. In the event that said report does not demonstrate continued functional operation, the property owner shall comply with City recommendations to repair or maintain said improvements within a timeline approved by the City's Public Works Director or be subject to public nuisance or similar legal action by the City and the landscaping plan will be executed in advance of any Certificate of Occupancy. Motion Carried 6-1. Nays: Westergaard.**
- [21-0426](#) 60. **On** the proposition to authorize a Master Equipment Lease Agreement in the principal amount of not-to-exceed \$275,000, for the purpose of acquiring certain items of equipment consisting of up to eleven (11) Nissan Leaf Electric Vehicles. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0427](#) 61. [On](#) the matter of proposed authorization of a loan and disbursement agreement and issuance of not to exceed \$3,750,000 Stormwater Management Utility Revenue Capital Loan Notes and the issuance thereof. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-0428](#) (A) [Authorization](#) for additional action. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-0429](#) 62. [On](#) the matter of proposed authorization of a loan and disbursement agreement and the issuance of not to exceed \$28,750,000 Sewer Revenue Capital Loan Notes, and the issuance thereof. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0430](#) (A) [Authorization](#) for additional action. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0431](#) 63. [On](#) E. Douglas Avenue Reconstruction – E. 42nd Street to E. 56th Street: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids and designating lowest responsible bidder as Elder Corporation (Jared R. Elder, II, President), \$6,168,000. ([Council Communication No. 21-105](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [21-0432](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [21-0433](#) 64. [On](#) Animal Control Facility: Resolution rejecting all bids. ([Council Communication No. 21-104](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- WITHDRAWN
- [21-0434](#) (A) [Approving](#) ~~contract and bond and permission to sublet.~~
- [21-0435](#) 65. [On](#) consideration of the recommended Capital Improvement Program Plan (CIP) for fiscal years 2021-2022 through 2025-2026. ([Council Communication No. 21-097](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0436](#) (A) [Declaring](#) an official intent under Treasury Regulation 1.15-2 to issue debt to reimburse the City for certain original expenditures paid in connection with specified projects. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0437](#) 66. [On](#) amendment to the annual budget for fiscal year ending June 30, 2021. ([Council Communication No. 21-097](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

[21-0438](#)

67. [On](#) proposed budget for the fiscal year ending June 30, 2022. ([Council Communication No. 21-097](#)) **Moved by Voss to adopt. Motion Carried 7-0.**

**** END OF HEARINGS AT 8:05 PM ****

[21-0439](#)

MOTION TO ADJOURN. **Moved by Cownie to adjourn at 8:22 PM. Motion Carried 7-0.**

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