



***** 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 Building
1551 E. M.L. King, Jr. Parkway
Des Moines, Iowa 50317**

**5/24/2021
4:30 P.M.**

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 April 30, 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 Ninety-nine of the Governor's April 30, 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.

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://dmgov-org.zoom.us/j/85120305288?pwd=ZDkyenYrWVB3eXplVFRpVURT1dGdz09>

Passcode: 214932

Or join by phone:

Dial:

US: +1 312 626 6799 or 833 548 0276 (Toll Free)

Webinar ID: 851 2030 5288

I. CLOSED SESSION – 3:30 PM

[21-0745](#)

(A) Roll Call. **Present: Cownie, Boesen, Gatto, Gray, Mandelbaum, Voss and Westergaard.**

[21-0746](#)

(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 Gatto to adopt. Motion Carried Upon Roll Call 7-0.**

[21-0747](#)

(C) Closed Session.

[21-0748](#)

(D) Terminate closed session and reconvene in open session. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0749](#)

(E) Motion to adjourn. **Moved by Boesen to adjourn at 4:22 PM. Motion Carried 7-0.**

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[21-0750](#)

1. ROLL CALL: **Present: Cownie, Boesen, Gatto, Gray, Mandelbaum, Voss and Westergaard.**

[21-0751](#)

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0752](#)

3. APPROVING CONSENT AGENDA * – items 3 through 41: **Moved by Gatto to adopt the balance of the consent agenda. Motion Carried 7-0.**

***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

[21-0753](#)

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

NEW APPLICATIONS

- | | | |
|-----------------------|-------------------|-------------|
| (A) CHOCOLATERIE STAM | 2814 INGERSOLL | B Beer |
| (B) OLD WEST BARBEQUE | 3000 E GRAND AVE | C Beer/Wine |
| (C) SMOKERS GENIE 2 | 3408 MERLE HAY RD | E Liquor |

RENEWAL APPLICATIONS

(D)	AMERICANA	1312 LOCUST ST	C Liquor
(E)	APRILS SUNRISE TAP	4155 EASTON BLVD	C Liquor
(F)	ARCHER LOUNGE AND GRILL	1930 SE 6TH ST	C Liquor
(G)	CHEESE BAR	2925 INGERSOLL	C Liquor
(H)	DEEP END BAR	830 MCKINLEY AVE	C Liquor
(I)	DES MOINES CIVIC CENTER	221 WALNUT ST	C Liquor
(J)	EASYGO	2723 GRAND AVE	E Liquor
(K)	FRANKA PIZZERIA	111 E GRAND AVE	C Liquor
(L)	GRUMPY GOAT	1303 WALNUT ST	C Liquor
(M)	HOYT SHERMAN PLACE	1501 WOODLAND	C Liquor
(N)	JETHROS BBQ SOUTHSIDE	4337 PARK AVE	C Liquor
(O)	LOUIES WINE DIVE	4040 UNIVERSITY	C Liquor
(P)	MOTLEY SCHOOL TAVERN	1903 BEAVER AVE	C Liquor
(Q)	MULLETS	1300 SE 1ST ST	C Liquor
(R)	MY BROTHERS PLACE	2400 DEAN AVE	C Liquor
(S)	OLYMPIC FLAME	514 E GRAND AVE	C Beer/Wine
(T)	PLAZA PUB	6202 DOUGLAS AVE	C Liquor
(U)	QUICK STAR	2701 INGERSOLL	C Beer
(V)	SHAGS	216 COURT AVE	C Liquor
(W)	SOUTH SIDE FOOD MART	1101 ARMY POST RD	E Liquor
(X)	SPAGHETTI WORKS	310 COURT AVE	C Liquor
(Y)	ST KILDA BAKERY AND CAFE	300 SW 5TH ST	C Liquor
(Z)	STATION ON INGERSOLL	3124 INGERSOLL	C Liquor
(AA)	THIRSTY SPORTSMAN	4808 SW 9TH ST	C Liquor

TRANSFER TO NEW LOCATION

(BB)	ELWELL FAMILY FOOD Temporary.	3000 E GRAND AVE	C Liquor
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OUTDOOR SERVICE APPLICATION

(CC)	KELLYS LITTLE NIPPER Temporary for KLN Summerfest on June 5, 2021.	1701 E GRAND AVE	C Liquor
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SPECIAL EVENT APPLICATIONS

(DD)	DEPOT WXP Class B Beer License for the World Pork Expo on June 9 – 11, 2021.	3000 E GRAND AVE	Five (5) Day License
(EE)	PAR CATERERS Class C Liquor License for Principal Charity Classic on June 2 – 6, 2021. Pending approval of Building and Zoning Departments.	3915 FLEUR DR	Five (5) Day License
(FF)	PAVILION WXP Class B Beer License for the World Pork Expo on June 9 – 11, 2021.	3000 E GRAND AVE	Five (5) Day License

- (GG) SA PRESENTS 2201 GEORGE FLAGG Five (5) Day License
Class C Liquor License for Jamey Johnson with Whiskey Myers concert on June 12, 2021.
- (HH) TANGERINE FOOD CO 2201 GEORGE FLAGG Five (5) Day License
Class C Liquor License for Ballet Des Moines on May 29, 2021. Pending approval of Zoning Department.
- (II) WINEFEST 4025 TONAWANDA DR Five (5) Day License
Class C Liquor License for Green State Lawn Party on June 6, 2021. Pending approval of Building and Zoning Departments.
- (JJ) WINEFEST 313 WALNUT ST Five (5) Day License
Class C Liquor License for Iowa Pork Sips and the City at Home and Community Choice Grand Tasting at Home on June 11- 12, 2021.
- (KK) WINEFEST 120 E 5TH ST Five (5) Day License
Class C Liquor License for Toasting Tuesday on June 1, 2021. Pending approval of Building, Electrical and Zoning Departments.
- (LL) WINEFEST 4500 GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Commerce Bank Community Tasting with Ballet Des Moines on June 8, 2021. Pending approval of Building, Electrical and Zoning Departments.

[21-0754](#) 5. [City Clerk](#) to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Cownie.**

[21-0755](#) 6. [City Clerk](#) to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[21-0756](#) (A) [2021](#) HMA Residential Paving Program Contract 3 – LOSST: Receiving of bids (6-15-21), Setting date of hearing (7-19-21), Engineer’s estimate, \$1,293,000. ([Council Communication No. 21-226](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0757](#) (B) [City Facility](#) FY 2021-2022 Parking Lot Improvements: Receiving of bids (6-15-21), Setting date of hearing (6-28-21), Engineer’s estimate, \$710,000. ([Council Communication No. 21-227](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0758](#) (C) [Grandview](#) Golf Course Cart Path Repairs: Receiving of bids (6-15-21), Setting date of hearing (7-19-21), Engineer’s estimate, \$303,000. ([Council Communication No. 21-229](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0759](#) 8. [Approving](#) exception to Request for Proposal (RFP) process for good cause and approving Professional Services Agreement (PSA) with Felsburg Holt and Ullevig, Inc. (FHU) for Ingersoll Run Outlet – Phase 2, Street Design, not to exceed \$401,400. ([Council Communication No. 21-222](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0760](#) 9. [Acceptance](#) of a proposal from MidAmerican Energy Company to install street lighting and pedestrian lighting for Ingersoll Avenue from 24th Street to 28th Street (north side), not to exceed \$103,791.44. ([Council Communication No. 21-223](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
10. Approving Private Construction Contract between the following:
- [21-0761](#) (A) [Legacy Excavation](#), LLC and J. Larson Homes, LLC for Storm Sewer Improvements in Woodbury Plat 2, \$190,341.30. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0762](#) (B) [Legacy Excavation](#), LLC and J. Larson Homes, LLC for Sanitary Sewer Improvements in Woodbury Plat 2, \$208,645. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0763](#) 11. [Communication](#) from contractors requesting permission to sublet certain items on public improvement project. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0764](#) 12. [Accepting](#) completed construction and approving final payment for River Bend and King Irving Sewer Separation Phase 1, Progressive Structures, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0765](#) 13. [Designation](#) of lowest responsible bidder as Baker Electric, Inc. (Chad Layland, CEO) on construction projects; approving contract and bond and permission to sublet on Women of Achievement Bridge Lighting Improvements, 238,861.00. (Hearing was held on March 22, 2021). ([Council Communication No. 21-231](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [21-0766](#) 14. [Levying](#) assessments for costs of Nuisance Abatement-NAC-Emergency Assessment (Community Development), Schedule No. 2021-05. **Moved by Gatto to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [21-0767](#) 15. [Recommendation](#) by Mayor Cownie to appoint Chris Draper to the Plan and Zoning Commission, Seat 1, to fill vacancy by the resignation of the current appointee, with the new appointee to undertake the remainder of the term July 1, 2017 through June 30, 2022 and a full term from July 1, 2022 and ending on June 30, 2027. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0768](#) 16. [Recommendation](#) by Council Member Mandelbaum to appoint Ryan William Francois to the Des Moines Food Security Task Force, Seat 6, effective immediately. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0769](#) 17. [Communication](#) from Greg Jones advising of his resignation from the Plan and Zoning Commission, Seat 1, effective June 30, 2021. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [21-0770](#) 18. [Regarding](#) request from TK Development, LLC (Dan Kruse, Officer) for approval of a Third Amendment to the Preliminary Plat "Southwoods Estates" located at 5730 Rose Avenue to allow for 19 development lots on Maish Avenue cul-de-sac and an extended cul-de-sac for Rose Circle. **Moved by Gatto to receive and file. Motion Carried 7-0.**

- [21-0771](#) 19. [Regarding](#) request from Jerry's Home, Inc (Jay Cowan, Officer) for approval of the Preliminary Plat "Pearl Lake" on 14.65 acres located in the vicinity of the 3100 block of East Payton Avenue, to allow development of 39 one-household residential lots. **Moved by Gatto to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [21-0772](#) 20. [On](#) conveyance of vacated east-west alley right-of-way located south of and adjoining 2815 E. Washington Avenue to Brittani Rae Robbins for \$25, (6-14-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0773](#) 21. [On](#) vacation of portions of 12th Street and Keosauqua Way right-of-way adjoining 1201 Keosauqua Way and conveyance of a permanent easement for building encroachment and a permanent easement for building encroachment-door swing to Aust Real Estate, LLC for \$11,280, (6-14-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0774](#) 22. **On** request from Menard, Inc. (Theron Berg, Officer) to amend the PlanDSM: Creating Our Tomorrow comprehensive plan future land use designation for real property located at 5907 Southeast 8th Street and 801 Hart Avenue from Community Mixed Use within a Community Node to Low Density Residential within a Community Node and to rezone 5907 Southeast 8th Street and portions of 801 Hart Avenue from Limited CX-V Mixed Use District to N3a Neighborhood District to allow retention of two single-household residences that are no longer proposed for redevelopment, and to rezone 6000 Southeast 14th Street, and 5911 and 5917 Southeast 8th Street, from Limited CX-V Mixed Use District to revised Limited CX-V Mixed Use District to revise the zoning conditions contained in Ordinance 15,929 related to the proposed Large-Format Retail Sales Use on said property, with said revised conditions set forth in the resolution, (6-14-21). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0775](#) 23. **On** request from University Avenue Storage, LLC (Will Matthews, Officer) to amend the PlanDSM: Creating Our Tomorrow comprehensive plan future land use designation for property located at 1960 Claypool Street from Business Park to Industrial to allow rezoning from RX1 Mixed Use District to I1 Industrial District for the expansion of the existing self-service storage located on adjacent property, (6-14-21). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0776](#) 24. **On** request from MercyOne Medical Center Des Moines (Diane Cummins, Officer) to approve PUD Final Development Plan “MercyOne Richard Demming Cancer Center” located at 411 Laurel Street to facilitate construction of a new vehicular drop-off lane and canopy on and adjacent to the west façade building entrance, in compliance with a previously approved PUD Conceptual Plan amendment, (6-14-21). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0777](#) 25. **On** request from Wesley Retirement Services, Inc (Rob Kretzinger, Officer) to approve PUD Final Development Plan “Wesley Acre – Site Improvement Plan” on property located at 3520 Grand Avenue and 401 37th Street to facilitate construction building additions and site revisions that are allowed by the recently approved amendment to the Wesley Acres PUD Conceptual Plan, including building additions for the north and west entries with reconfiguration of the adjacent parking lot areas including extension of parking to the north toward Grand Avenue, a building addition for swimming pool and auditorium use on the west, a terrace/pond landscape feature in the north side of the site, and renovation of the central courtyard area, (6-14-21). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0778](#) 26. **On** request from Hubbell Realty Company (Steve Mosely, Officer) for the 10th Amendment to Riverwoods Legacy Planned Unit Development (PUD) Conceptual Plan for property located in the vicinity of Riverwoods Road and River Ridge Avenue to revise areas identified as F, G and H on the plan by revising the configuration of the single-household residential lots in “Area F” and replacing “Area G” and “Area H” with an open space/conservation area and to eliminate the extension of River Ridge Road to East Park Avenue and reduce the length of the Grand River Drive cul-de-sac, (6-14-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0779](#) 27. [On](#) third amendment to Birdland Marina Food, Beverage and Fuel Concession Agreement with Less Than Trinity, LLC d/b/a Captain Roy's (LTT/CR) for additional concession rights for canoes, kayaks, stand-up paddle boards and bicycle rentals, boat tours and shuttle services on the Des Moines River, sales of supplies to paddlers and powerboaters, service and repair for bicycles, and use of the Birdland Marina logo of merchandise. In exchange for these rights, LTT/CR will pay the City a percentage of gross revenue, (6-14-21). ([Council Communication No. 21-221](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0780](#) 28. [On](#) Memorandum of Agreement and License with United States of America, by and through the General Services Administration (GSA) for installation and maintenance of certain improvements associated with the Federal Courthouse Project at 101 Locust Street, (6-14-21). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0781](#) 29. [On](#) conveyance of a Permanent Underground Electric Easement on City-owned property located south of and adjoining Line Drive between Southwest 2nd Street and Southwest 3rd Street to MidAmerican Energy Company for \$1, (6-14-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [21-0782](#) 30. [Approving](#) payment to Progressive Insurance Company as subrogee for the property damage claims of its insureds Luis and Merced Carrillo Cenicerros. **Moved by Gatto to adopt. Motion Carried 7-0.**

APPROVING

- [21-0783](#) 31. [2021-2022](#) Emergency Solutions Grant (ESG) funding from U.S. Department of Housing and Urban Development (HUD). ([Council Communication No. 21-233](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0784](#) 32. [Memorandum](#) of Understanding with Invest DSM, Inc. for administration of the City's Neighborhood Matching Grant Fund Program. ([Council Communication No. 21-225](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-0785](#) 33. [Preliminary](#) commitment of HOME funds to Anawim for rehabilitation of 4845 Merle Hay Road. ([Council Communication No. 21-234](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-0786](#) 34. [U.S. Department](#) of Treasury Coronavirus Local Fiscal Recovery Fund Award terms and conditions. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0787](#) 35. [Parking](#) License Agreement with the United States General Services Administration (GSA) for the use of 41 parking spaces for a one-year term commencing April 1, 2021 within the Third and Court Garage to accommodate the users of the Neal Smith Federal Building located at 210 Walnut Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0788](#) 36. [Amendments](#) to Schedule of Fees for Construction Permits. ([Council Communication No. 21-236](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
37. Abatement of public nuisances at the following:
- [21-0789](#) (A) [1619](#) 6th Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0790](#) (B) [112](#) E. 29th Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0791](#) (C) [818](#) E. 27th Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
38. Purchases from the following:
- [21-0792](#) (A) [Truck Equipment, Inc](#) (Terry Wheeler, President) for various truck body equipment to be installed on chassis for use by the Public Works and Engineering Departments, (Three potential bidders, two received), \$316,367. ([Council Communication No. 21-220](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0793](#) (B) [Meridian](#) Rapid Defense Group (Bill Fields, CFO) for ten (10) sets of anti-vehicle barriers, a hauler and transport trailer per U.S. General Services Administration (GSA) contract for use by the Police Department, \$92,777.77. ([Council Communication No. 21-237](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0794](#) (C) [Landscape](#) Structures of Deleno Minnesota (Steve King, Founder, Chairman of the Board) for playground equipment for Witmer Park per National Cooperative Purchasing Alliance (NCPA) contract for use by the Parks and Recreation Department, \$73,349. ([Council Communication No. 21-219](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0795](#) 39. [Implementation](#) of a City Employee Residency Incentive Program. **Moved by Boesen to adopt. Refer to City Manager to share with the School District. Motion Carried 7-0.**
- [21-0796](#) 39I. [Amending](#) the procedural rules of the Des Moines City Council. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0797](#) 40. [Designation](#) of multiple depositories for City funds. ([Council Communication No. 21-232](#)) **Moved by Gatto to adopt. Motion Carried 6-0. Council Member Mandelbaum abstains from voting based on a conflict of interest.**

[21-0798](#) 40I. [Allocation](#) of funds in support of 2021 summer weekend evening activities in Court Avenue Entertainment District. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0799](#) 41. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of May 24 and 31 and June 7, 2021; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of May 24 and 31 and June 7, 2021; to draw checks for biweekly payroll due June 4, 2021. **Moved by Gatto to adopt. Motion Carried 7-0.**

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

APPROVING

42. Items related to the Central Iowa Water Trails: Phase I Dam Mitigation and User Access Project:

[21-0800](#) (A) [Granting](#) a variance of Floodplain Development Code Section 50-34 (14) for development in a Floodway that results in an increase in base flood elevation to the Des Moines Area Metropolitan Planning Organization (DMAMPO) on behalf of Central Iowa Water Trails, LLC (CIWT) for the CIWT Scott Avenue Project. ([Council Communication No. 21-228](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[21-0801](#) (B) [Approving](#) “Letter of No Objection” regarding proposed Central Iowa Water Trails: Phase I Dam Mitigation and User Access Project. ([Council Communication No. 21-224](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[21-0802](#) (C) [Authorizing](#) notification regarding City participation in the Central Iowa Water Trails System, subject to agreement terms being finalized. ([Council Communication No. 21-235](#)) **Moved by Mandelbaum to adopt. Refer to the City Manager to address the cost cap issue in the 28E and review the operational revenue assumptions. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 43 THRU 47)

- [21-0803](#) 43. **On** correcting 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.**
- [21-0804](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [21-0805](#) (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, #16,011. Motion Carried 7-0.**
- [21-0806](#) 44. **On** conveyance of vacated street right-of-way located south of and adjoining 1403 Dean Avenue to Sabrina Gnewuch and Lucas Gnewuch for \$50. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0807](#) 45. **On** conveyance of vacated alley right-of-way adjoining 413 Euclid Avenue to Euclid Foresight, LLC for \$5,080. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [21-0808](#) 46. **On** request from Fareway Stores, Inc. (Matt Heath, Officer) for property at 2723 41st Place to amend PlanDSM: Creating Our Tomorrow future land use classification from Low Density Residential within a Neighborhood Node to Community Mixed-Use within a Neighborhood Node and to rezone from N4 Neighborhood District to Limited MX3 Mixed-Use District, to allow off-site parking and access to be developed in conjunction with a Limited Retail Sales use redevelopment of property at 2716 Beaver Avenue. (Continued from May 10, 2021). **Moved by Gray to adopt. Motion Carried 7-0.**
- [21-0809](#) (A) **First** consideration of ordinance above. **Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [21-0810](#) (B) **Final** consideration of ordinance above (waiver requested by Garrett S. Piklapp, EVP/Sec./GC, Fareway Stores, Inc.), requires six votes. **Moved by Gray 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, #16,012. Motion Carried 7-0.**

[21-0811](#) 47. **On** the proposition to authorize an amendment to lease agreement with U.S.S. Husmann, LLC for the rental of warehouse space at 301 SE 8th Street for temporary use by the Public Works Department. ([Council Communication No. 21-230](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0812](#) (A) **Approving** and authorizing execution of amended lease agreement. **Moved by Gatto to adopt. Motion Carried 7-0.**

**** END OF HEARINGS 5:40 P.M. ****

COMMUNICATIONS/REPORTS

[21-0813](#) 48. **Requests** to speak as follows: **Moved by Boesen to receive and file. Julie Schwertley, Brandon Reinders, Pete Myers, Marco Battaglia, Dex Nash, Adriane Demuth and Brenda McDonald did not speak. Motion Carried 7-0.**

- (A) Max Mowitz.
- (B) Cora Eggherman.
- (C) Dan Kauble.
- (D) Julie Schwertley.
- (E) Brandon Reinders.
- (F) Carrie Gosnell.
- (G) Dani Ausen.
- (H) Pete Myers.
- (I) Lora Fraracci.
- (J) Marco Battaglia.
- (K) Jacqueline Thompson.
- (L) Dex Nash.
- (M) Jacob Grobe.
- (N) Stephanie Cardwell.
- (O) Lori A. Young.
- (P) Mariella Theuma.
- (Q) Adriane Demuth.
- (R) Debra Howell.
- (S) Janice Hawkins.
- (T) Brenda McDonald.

[21-0814](#) MOTION TO ADJOURN. **Moved by Gatto to adjourn at 6:12 PM. Motion Carried 7-0.**