



***** 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
City Hall, City Council Chambers
400 Robert D Ray Drive
Des Moines, Iowa 50309

June 14, 2021
5:00 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 April 13, 2021 Proclamation Amendment, that the City Manager implement reasonable and appropriate health measure rules for indoor gathers on public property and the Governor's May 27, 2021 Proclamation that recognizes the risk of transmission of COVID-19 may be substantially reduced by taking reasonable public health measures regarding gatherings and continuing to strongly encourage that businesses take appropriate public health precautions, and further given Section Sixty-Seven of the Governor's May 27, 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, as the City Council has determined that a meeting at a physical place may be impossible or impracticable such that Council meetings for the time being may be conducted electronically with the public allowed to attend per the instructions specified on each agenda. Meeting minutes will continue to be provided per the City's normal course of business.

The City of Des Moines is pleased to provide accommodations to persons with disabilities. To better serve you, please notify us at least three business days in advance when possible at 515-283-4209, should special accommodations be required. Assistive Listening Devices are available for meetings in the City Council Chambers.

For an explanation of an item, click on the links included in this agenda.

REMOTE VIEWING

If you are unable to attend this City Council meeting in person, the City provides these ways to watch remotely:

- Watch with closed captioning on YouTube: <https://youtube.com/cityofdesmoinesiowa>
- Watch on Mediacom Channel 7 (777 HD) or at DSM.city/DMTV

If you would like to submit a comment on an item and are unable to attend the meeting in person, please visit DSM.city/government or call (515) 283-4944 for City Council contact information, or email your comment to cityclerk@dmgov.org.

I. CLOSED SESSION – 3:45 PM

[21-0819](#)

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

[21-0820](#)

- (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 and Section 21.5, subsection 1, paragraph i of the Iowa Code, to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual’s reputation and that individual requests a closed session. The City Attorney has opined that the closed session is appropriate under Iowa Law. **Moved by Gatto to adopt. Motion Carried Upon Roll Call 7-0.**

[21-0821](#)

- (C) Closed Session.

[21-0822](#)

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

[21-0823](#)

- (E) Motion to adjourn. **Moved by Boesen to adjourn at 4:41 PM. Motion Carried 7-0.**

PROCLAMATIONS

Pride Month

Immigrant Heritage Month

* * * * *

[21-0824](#)

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

[21-0825](#)

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

[21-0826](#)

3. APPROVING CONSENT AGENDA * – items 3 through 52I: **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

[21-0827](#)

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

NEW APPLICATIONS

(A)	DOBRE TASTING ROOM	503 E LOCUST ST	C Liquor
(B)	DSM CONCESSIONS	5800 FLEUR DR	C Liquor
(C)	GRAZIANO BROTHERS INC	1601 S UNION ST	B Wine
(D)	PLATFORM	400 WALNUT ST	C Liquor

RENEWAL APPLICATIONS

(E)	BLAZE PIZZA	300 W MLK JR PKWY	C Beer/Wine
(F)	CARLS PLACE	1620 WOODLAND	C Liquor
(G)	CJS II	316 E 30TH ST	C Liquor
(H)	COURT AVENUE BREWING CO	309 COURT AVE	C Liquor
(I)	EL RANCHO ALEGRE	3308 INDIANOLA	C Liquor
(J)	GIT N GO STORE #11	3940 E 29TH ST	C Beer
(K)	GIT N GO STORE #31	2601 SW 9TH ST	C Beer
(L)	KELLYS LITTLE NIPPER	1701 E GRAND AVE	C Liquor
(M)	LUCCA	420 E LOCUST ST	C Liquor
(N)	MICHELLES	3925 E 14TH ST	C Liquor
(O)	NEW CHINA BUFFET & GRILL	1201 E ARMY POST	B Beer
(P)	SCOTTISH RITE PARK	2909 WOODLAND	A Liquor
(Q)	SEAFOOD TRAP	1552 E GRAND AVE	B Beer
(R)	TIPSY CROW TAVERN	102 3RD ST	C Liquor
(S)	TOBACCO OUTLET PLUS #519	727 SE 14TH ST	C Beer
(T)	VETERANS MEMORIAL	833 5TH AVE	C Liquor

SPECIAL EVENT APPLICATIONS

- | | | | |
|-----|--|-----------------|----------------------|
| (U) | DM ARTS FESTIVAL | 1418 LOCUST AVE | Five (5) Day License |
| | Class C Liquor License for festival on June 25 – 27, 2021. | | |

- (V) DM ARTS FESTIVAL 1198 GRAND AVE Five (5) Day License
Class B Beer License for festival on June 25 – 27, 2021.
- (W) DM ARTS FESTIVAL 1000 GRAND AVE Five (5) Day License
Class C Liquor License for festival on June 25 – 27, 2021.
- (X) DM ARTS FESTIVAL 1203 LOCUST ST Five (5) Day License
Class C Liquor License for festival on June 25 – 27, 2021.
- (Y) DM ARTS FESTIVAL 1331 GRAND AVE Five (5) Day License
Class C Liquor License for festival on June 25 – 27, 2021.
- (Z) DM ARTS FESTIVAL 400 15TH ST Five (5) Day License
Class C Liquor License for festival on June 25 – 27, 2021.
- (AA) WAT LAO BUDDHAVAS 1804 E PARK AVE Five (5) Day License
Class B Beer License for annual festival on June 19 – 20, 2021.

[21-0828](#) 5. [Consideration](#) of renewal Class C Liquor License for Escape Chambers, 338 SW 6th Street. Building, Fire and Zoning Departments recommend denial. **Moved by Gatto to deny for lack of good moral character for failing to comply with Building, Fire and Zoning. Motion Carried 7-0.**

[21-0829](#) 6. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Cownie.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[21-0830](#) (A) [Gray's](#) Parkway from SW 11th Street to SW 12th Street: Receiving of bids, (6-29-21) and Setting date of hearing, (7-19-21). Engineer's estimate, \$800,000. ([Council Communication No. 21-272](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0831](#) (B) [2021](#) Sewer Repair Contract 1: Receiving of bids, (6-29-21) and Setting date of hearing, (7-19-21). Engineer's estimate, \$1,750,000. ([Council Communication No. 21-240](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0832](#) (C) [34th](#) Street and Urbandale Sidewalk and Intersection Improvements: Receiving of bids, (6-29-21) and Setting date of hearing, (7-19-21). Engineer's estimate, \$865,000. ([Council Communication No. 21-242](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0833](#) (D) [MacRae](#) Park Slope Stabilization Retaining Walls at EMC Overlook: Receiving of bids, (6-29-21) and Setting date of hearing, (7-19-21). Engineer's estimate, \$1,200,000. ([Council Communication No. 21-263](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0834](#) (E) [Ashworth](#) Pool and Northwest Pool Painting Improvements: Receiving of bids, (6-29-21) and Setting date of hearing, (6-29-21) and Setting date of hearing, (7-19-21). Engineer's estimate, \$136,000. ([Council Communication No. 21-243](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0835](#) (F) [Demolition](#) of DICO Buildings at 200 SW 16th Street: Receiving of bids, (6-29-21) and Setting date of hearing, (7-19-21). Engineer's estimate, \$923,000. ([Council Communication No. 21-268](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0836](#) 8. [Approving](#) Private Construction Contract between Elder Corporation and R. Michael Knapp 2001 Revocable Trust for Sanitary Sewer Improvements in Brook Run North. **Moved by Gatto to adopt. Motion Carried 7-0.**
9. Approving completion and acceptance of Private Construction Contracts as follows:
- [21-0837](#) (A) [Ruby](#) Rose Ridge between Spring Lake Construction, Inc. and Kenyon Hill Ridge, LLC for Storm Sewer Improvements. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0838](#) (B) [Ruby](#) Rose Ridge between Spring Lake Construction, Inc. and Kenyon Hill Ridge, LLC for Sanitary Sewer Improvements. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0839](#) 10. [Approving](#) exception to Request for Proposals (RFP) process for good cause and approving Professional Services Agreement with Calhoun-Burns & Associates, Inc. for the City-Wide Bridge Evaluation – 2021, not to exceed \$220,000. ([Council Communication No. 21-264](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0840](#) 11. [Approving](#) Supplemental Agreement No. 4 to the Professional Services Agreement (PSA) with Hartman Trapp Architecture Studio, LLC for additional design and construction phase services for Animal Control Building Design, not to exceed \$300,000. ([Council Communication No. 21-252](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0841](#) 12. [Communication](#) from contractors requesting permission to sublet certain items on public improvement project. **Moved by Gatto to adopt. Motion Carried 7-0.**
13. Accepting completed construction and approving final payment for the following:
- [21-0842](#) (A) [Maquoketa](#) Drive Storm Sewer Box Replacement, S. M. Hentges & Sons, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0843](#) (B) [Hubbell](#) Avenue and East Broadway Avenue Intersection Improvements, Absolute Concrete Construction, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0844](#) (C) [Hubbell](#) Avenue Rehabilitation from E. 18th to Easton Boulevard, OMG Midwest, Inc. d/b/a Des Moines Asphalt and Paving. **Moved by Gatto to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [21-0845](#) 14. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2021-06. **Moved by Gatto to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [21-0846](#) 15. [Communication](#) from Elizabeth Ward advising of her resignation from the Airport Authority Board, Seat 5, effective June 30, 2021. **Moved by Gatto to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

- [21-0847](#) 16. [Recommendation](#) from Mayor Cownie to appoint Ross Dickinson to the Airport Authority Board, Seat 5, for the term commencing on July 1, 2021 and ending on June 30, 2025. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0848](#) 17. [Recommendation](#) from City Council to appoint Whitney Baethke, Economic Development Coordinator, to the Warren County Economic Development Corporation (WCEDC) Board of Directors. ([Council Communication No. 21-273](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [21-0849](#) 18. [Receive](#) and file communications regarding request from State of Iowa (Owner) represented by Cheryl Myers (Officer) to vacate the following segments of street right-of-way adjoining property located at 524 4th Street: **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

(A) A 6.5-foot by 43.0-foot segment of surface rights from the south edge of Watson Powell Jr. Way to allow for an accessible entrance ramp to the north entrance of the building.

(B) An 11.0-foot by 9.75-foot segment of subsurface rights from the south edge of Watson Powell, Jr. Way to allow for an existing basement encroachment.

- [21-0850](#) 19. [Receive](#) and file communications regarding City-initiated request to vacate the following segments of street and alley right-of-way to assemble land for the Municipal Services Center Phase II project: **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

- (A) North/south alley between Southeast 15th Court and Southeast Astor Street from Maury Street to Scott Avenue.
- (B) Southeast Astor Street from Maury Street to the Burlington Northern Sante Fe Railroad north of Shaw Street.
- (C) North/south alley between Southeast Astor Street and vacated Southeast 16th Street from Maury Street to the Burlington Northern Sante Fe Railroad north of Shaw Street.
- (D) Shaw Street from vacated Southeast 16th Street to the north/south alley west of Southeast Astor Street.
- (E) Southeast 16th Street from the vacated east/west alley south of Vale Street to Maury Street.
- (F) Vale Street from Southeast 15th Street to Southeast 16th Street.

[21-0851](#)

- 20. **Receive** and file communications regarding request from DUUNTO, LLC (Owner) represented by Adam Sieren (Officer) and Ryan Andreini (Owner) for property in the vicinity of 524 Indianola Road, 711 Monona Avenue and 713 Monona Avenue (to be readdressed as 550 Indianola Road) for approval of Preliminary Plat “Monona Townhomes” for subdivision of 0.84 acres of property into 18 Row Type Building lots and an Outlot. **Moved by Gatto to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

[21-0852](#)

- 21. **On** vacation of a portion of 23rd Street right-of-way adjoining Woodland Cemetery, (6-28-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0853](#)

- 22. **On** conveyance of a Permanent Easement for Building Encroachment in a portion of Waveland Golf Course located west of and adjoining 4841 Algonquin Road to Schooley and Kristin Schooley for \$4,400, (6-28-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0854](#)

- 23. **On** conveyance of vacated street right-of-way located south of and adjoining 1445 Dean Avenue to Sam KCAD Real Estate 1, LLC for \$50, (6-28-21) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0855](#)

- 24. **On** request from Terrace Hill, LLC (Owner) to rezone property located at 2525 Grand Avenue from RX2 – Mixed Use District to Limited MX3 Mixed Use District to allow the existing building to be considered a Conditional Use by Zoning Board of Adjustment for a Bar associated with reuse of property for a Hotel, (6-28-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0856](#)

- 25. **On** request from On Point Investments, LLC to amend PlanDSM: Creating Our Tomorrow future land use designation for property located at 2406 Woodland Avenue from Low Density Residential in a Neighborhood Node to Medium Density Residential in a Neighborhood Node and rezone property from N5 Neighborhood District to N5-2 – Neighborhood District to allow use of the property for a Two Household Living dwelling, (6-28-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0857](#)

26. [On](#) request from Gorkha Brothers, Inc. (Lessee) to amend PlanDSM: Creating Our Tomorrow future use designation from Neighborhood Mixed Use to Community Mixed Use to rezone property located at 2829 Easton Boulevard from MX1 Mixed Use District to MX3 Mixed Use District to allow the existing building to be considered for a Conditional Use by the Zoning Board of Adjustment for a business selling alcoholic liquor, (6-28-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0858](#)

27. [On](#) request from Greg Lorang and Elissa Cirigonotta to amend PlanDSM: Creating Our Tomorrow future land use designation for property located at 1235 43rd Street from Low Density Residential within a Community Node to Low-Medium Density Residential within a Community Node to rezone from N5 Neighborhood District to Limited N5-2 Neighborhood District to allow use of the property for an Accessory Household Unit dwelling, subject to condition that the site plan must come back to the Commission for review and approval, (6-28-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

28. Number not used.

[21-0859](#)

29. [On](#) request from Flummerfelt Eagle Pointe, LLC (Owner) to amend the PlanDSM Creating Our Tomorrow Plan future land use classification for the northern 3.8-acre portion of property located at 1985 East Army Post Road from Medium Density Residential to Business Park for a portion of property to accommodate existing mobile home sales use and to rezone the southern 18.50-acre portion of the property from EX Mixed Use District to NM Neighborhood District, to allow use of said property for expansion by approximately 80 additional lots of an adjoining mobile home park currently under construction, (6-28-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0860](#)

30. [On](#) request from Zion Capital Group, LLC (Owner), represented by Ryan Campos (Officer) for the following regarding the property located at 2453 East Grand Avenue, to amend the PlanDSM Creating Our Tomorrow Plan future land use classification from Low Density Residential to Neighborhood Mixed Use, and to rezone the property from N3c Neighborhood District to RX1 Mixed Use District, to allow reuse of the existing building for mixed residential and commercial use, (6-28-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0861](#)

31. [On](#) request from Legacy Park, LLC to rezone property located at 1315-1325 9th Street and 1322-1332 8th Street from N5 Neighborhood District to N5-2 Neighborhood District to allow use of the Property for two-household residential structures including rebuilding following destruction due to a fire, (6-28-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0862](#)

32. [On](#) City-initiated request to rezone property located at 2014 and 2016 East Ovid Avenue from P1 Public, Civic and Institutional District to I1 Industrial District, to allow the existing buildings to continue as conforming Professional Office, Warehouse, and Vehicle Maintenance/Repair uses, (6-28-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0863](#) 33. **On** request from IPE1031 REV353, LLC to rezone 505 Sheridan Avenue from I1 Industrial District to I2 Industrial District to allow the current operation of the Property to be considered for conditional use by the Zoning Board of Adjustment for an outdoor storage yard for portable toilets as an Intensive Fabrication and Production use, (6-28-21). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0864](#) 34. **On** requests from ILEX Group, Inc. for the following on property located in the vicinity of 4600 East 14th Street: **Moved by Gatto to adopt. Motion Carried 7-0.**
- (A) Receive and file communication from Planning and Zoning regarding review and approval of Preliminary Plat “Northridge 80/35 Business Park” to allow 59.57 acres of property to be divided into five lots for business park development.
- (B) Setting date of hearing regarding a PUD Final Development Plan “Northridge 80/35 Business Park – Plat 1” to allow reuse of the existing building for mixed residential and commercial use, (6-28-21).
- [21-0865](#) 35. **On** proposed amendments to Zoning Ordinance and Planning and Design Ordinance (6-28-21). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0866](#) 36. **On** request by Angela Young (resident) to provide an honorary name of “Dr Bobby Young Avenue” to a segment of Washington Avenue between 16th Street and Martin Luther King, Jr. Parkway to honor Reverend Dr. Bobby Young, neighborhood resident and long-time community advocate with addressing and wayfinding retaining the name of Washington Avenue, (6-28-21). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0867](#) 37. **On** intent to commence a public improvement project to construct the Southwest 9th Street Bridge Replacement Over Middle South Creek Project and to authorize acquisition of the necessary property interests, including agricultural land, (6-28-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

37I. Legal Claims Settlements and Billings as follows (all separate claims):

- [21-0868](#) (A) **Approving** payment to Allyn Wayne Roberts for an employment claim. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Gray.**
- [21-0869](#) (B) **Approving** payment to Michael Houseman for a workers’ compensation claim. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Gray.**
- [21-0870](#) (C) **Approving** Hawkeye Land Co. for a condemnation claim. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Gray.**

[21-0871](#) (D) [Approving](#) payment to George David and Isaac Browne for an Auto Accident Claim. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Gray.**

APPROVING

[21-0872](#) 38. [Home](#) Investment Partnership Program (HOME) funding for Greater Des Moines Habitat for Humanity to construct five Affordable Single-family Homes (1323 13th St; 1406, 1412, 1418 and 1424 Stewart St). ([Council Communication No. 21-258](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0873](#) 39. [Supplemental](#) Community Development Block Grant Funding to prepare for, prevent and respond to coronavirus (CDBG-CV1) Allocation to Des Moines Area Religion Council (DMARC) for the Mobile Food Pantry. ([Council Communication No. 21-256](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0874](#) 40. [Recertification](#) of recognized neighborhoods. ([Council Communication No. 21-254](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0875](#) 41. [Request](#) to Polk County Treasurer, and approving agreements with Greater Des Moines Habitat for Humanity, Inc and InvestDSM, for assignment of Tax Sale Certificates for various properties for development and/or rehabilitation of housing. ([Council Communication No. 21-253](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0876](#) 42. [Extension](#) of contract for Municipal Advisor for financial services with PFM Financial Advisors LLC. ([Council Communication No. 21-274](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0877](#) 43. [First](#) Amendment to Urban Renewal Development Agreement with 3524 6th Avenue, LLC (Joe Cordaro, Randy Reichardt). **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0878](#) 44. [An](#) extension to agreement with ABM Parking Services, Inc. for Management Services for the Municipal Parking Facilities. ([Council Communication No. 21-250](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0879](#) 45. [Individual](#) 28E Agreements related to the Computer Aided Dispatch (CAD) System, Records Management System (RMS) and the Jail Management System (JMS) between the City of Des Moines and Polk County for shared Public Safety Infrastructure Services. ([Council Communication No. 21-262](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0880](#) 46. [Three](#)-year Master Order Agreement with Norstan Communications, Inc. d/b/a Black Box Network Services (EC Sykes, CEO) for equipment, software, support, maintenance and professional services to be used by the Information Technology (IT) Department. ([Council Communication No. 21-248](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

47. Purchases from the following:

- [21-0881](#) (A) [Electric](#) Pump (Tom Miller, President) as sole area-wide distributor for Flygt Pump repair parts and services for all storm and sanitary pump stations to be used during fiscal year 2022 for use by the Public Works Department, estimated annual cost \$75,000. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0882](#) (B) [OneNeck](#) IT Solutions (Terry Swanson, President and Chief Executive Officer) for HPE backup storage hardware and Veeam backup and replication software license upgrade per State of Iowa Contract for use by the Information Technology (IT) Department, \$226,741.62. ([Council Communication No. 21-244](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0883](#) (C) [IPS](#) Group, Inc. (Chad Randall, CEO) as sole area-wide distributor for monthly software support fees and transaction fees for all credit card enabled meters to be used during fiscal year 2022, estimated annual cost \$150,000. ([Council Communication No. 21-249](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0884](#) (D) [TMC](#) Autobody (Craig Peters, Owner) for auto body repairs and services including labor and parts for the repair of City vehicles per Iowa (DAS) Purchasing Contract for use by Fleet Services Division, \$250,000. ([Council Communication No. 21-255](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0885](#) (E) [Menards](#) for miscellaneous building materials and supplies to be purchased during fiscal year 2022 per State of Iowa Contract for use by the Public Works Department, \$170,000. ([Council Communication No. 21-260](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0886](#) 48. [Abatement](#) of public nuisance at 3939 42nd Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0887](#) 49. [Authorizing](#) a form of Loan and Disbursement Agreement with the Iowa Finance Authority, Iowa Department of Natural Resources and authorizing and providing for the issuance and securing payment of \$3,624,000 Sewer Revenue Capital Loan Notes, Series 2021C and providing for a method of payment of said notes, and and providing for a method of payment of said notes, and approving the form of Tax Exemption Certificate. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0888](#) 50. [Authorizing](#) a Form of Loan and Disbursement Agreement with the Iowa Finance Authority and the Iowa Department of Natural Resources and authorizing and providing for the issuance and securing the payment of \$3,623,000 Stormwater Management Utility Revenue Capital Loan Notes, Series 2021E, and providing for a method of payment of said notes, and approving the form of Tax Exemption Certificate. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0889](#) 51. [Authorizing](#) a Form of Loan and Disbursement Agreement with the Iowa Finance Authority and the Iowa Department of Natural Resources and authorizing and providing for the issuance and securing the payment of \$15,000,000 Sewer Revenue Capital Loan Notes, Series 2021D, and providing for a method of payment of said notes, and approving the form of Tax Exemption Certificate. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0890](#) 52. [Authorizing](#) Finance Director to draw checks on registers for the weeks of June 14 and 21, 2021; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 14 and 21, 2021; to draw checks for biweekly payroll due June 18, 2021. **Moved by Gatto to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATION

[21-0891](#) 52I [Submitting](#) travel and training request for Chad Steffen. ([Council Communication No. 21-246](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

[21-0892](#) 53. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation changes as follows: ([Council Communication No. 21-266](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (A) Revision to parking restrictions on E. Locust Street, west of Robert D. Ray Drive.
- (B) Proposed code change to add a loading zone on the west side of 26th Street between University Avenue and Cottage Grove.
- (C) Proposed code change to add a passenger loading zone on Methodist Drive between Chestnut Street and 12th Street.
- (D) Parking restriction revision – 15th Street from Crocker Street to Oakridge Drive/School Street.
- (E) Extend two-hour parking limits along University Avenue from 25th Street to 31st Street.
- (F) Final consideration of ordinance above, requires six votes. **Moved by Gatto 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, [#16,013](#). Motion Carried 7-0.**

[21-0893](#)

[21-0894](#) 54. [Amending](#) Sections 60-3, 60-5, 60-7, 60-10, 60-11, 60-12, 60-15, 60-19, 60-30, 60-31, 60-32, 60-33, 60-34, 60-35, 60-40, 60-41, 60-42, 60-43, 60-44, 60-45, 60-50, 60-60, 60-76, 60-85, 60-104, 60-128, 60-144, 60-170, 60-183, 60-192 and 60-193, relating to the housing code. ([Council Communication No. 21-261](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

55. Number not used.

HEARINGS (OPEN AT 5:00 PM) (ITEMS 56 THRU 76)

- [21-0895](#) 56. **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. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0896](#) 57. **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. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0897](#) 58. **Continuance** of hearing 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. **Moved by Gatto to adopt. Motion Carried 6-0. Mayor Cownie did not cast a vote.**
- [21-0898](#) 59. **On** 2021 HMA Residential Paving Program Contract 2: Resolution approving plans, specifications, form of contract documents, engineer's estimate receive and file bids, and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation, (Timothy Mallicoat, President), \$543,484. ([Council Communication No. 21-238](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0899](#) (A) **Approval** of contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0900](#) 60. **On** Skywalk Bridge 7C-7D Removal: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as Neumann Brothers, Inc. (Mike Simpson, President/CEO), \$295,999.50. ([Council Communication No. 21-271](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0901](#) (A) **Approval** of contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0902](#) 61. [Western](#) Ingersoll Run Sewer Separation Phase 2: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Synergy Contracting, LLC (Jesse Rognes, President), \$6,681,063. ([Council Communication No. 21-267](#)) **Moved by Gatto to adopt. Motion Carried 6-0. Gatto did not cast a vote.**
- [21-0903](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 6-0. Gatto did not cast a vote.**
- [21-0904](#) 62. [On](#) Pappajohn Sculpture Park Lighting Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as Modern Electrical Services, LLC, (Tom Ledin, Owner), \$293,645. ([Council Communication No. 21-247](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0905](#) (A) [Approval](#) of contract and bond. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0906](#) 63. [On](#) 2021 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as TK Concrete, Inc. (Tony J. VerMeer, President), \$331,475. ([Council Communication No. 21-241](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0907](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0908](#) 64. [On](#) E. 2nd Street Reconstruction from E. Court Avenue to Iowa Interstate Railroad: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Jasper Construction Services, Inc. (Cliff Rhoads, President), \$1,267,719.55. ([Council Communication No. 21-269](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0909](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0910](#) 65. [On](#) 2021 HMA Resurfacing Program Contract 1: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt and Paving, \$572,155.93. ([Council Communication No. 21-239](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0911](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0912](#) 66. **On** Downtown Bumpouts and 12th Street from Martin Luther King, Jr. Parkway to Grand Avenue: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Jasper Construction Services, Inc. (Cliff Rhoads, President), \$1,536,716.50. ([Council Communication No. 21-265](#)) **Moved by Gatto to adopt. Motion Carried 6-0. Gatto did not cast a vote.**
- [21-0913](#) (A) **Approval** of contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 6-0. Gatto did not cast a vote.**
- [21-0914](#) (B) **Approving** Supplemental Agreement No. 2 to the Professional Services Agreement (PSA) with Bolton and Menk, Inc. for construction staking and construction administrative services for 12th Street and Downtown Bumpouts Improvements Project, not to exceed \$72,560. ([Council Communication No. 21-251](#)) **Moved by Gatto to adopt. Motion Carried 6-0. Gatto did not cast a vote.**
- [21-0915](#) 67. **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. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0916](#) 68. **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. ([Council Communication No. 21-245](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
69. Number Not Used.
- [21-0917](#) 70. **On** the proposed Twenty-Eighth Amendment to the Urban Renewal Plan for the Metro Center Urban Renewal Area. ([Council Communication No. 21-259](#)) **Moved by Gatto to continue to the June 28th Council meeting. Motion Carried 7-0.**
- [21-0918](#) 71. **Continuing** hearing on request from Oscar and Enrique Zenteno to amend the PlanDSM: Creating our Tomorrow future land use classification for 2354 E Grand Avenue from Neighborhood Mixed Use to Community Mixed Use District and to rezone from MX1 Mixed Use District to MX3 Mixed Use District to allow ongoing operation of a Minor Vehicle/Maintenance Repair use on the property. Plan and Zoning Commission recommends denial (Continued from May 10, 2021). **Moved by Gatto to adopt. Motion Carried 7-0.**

- ~~72. [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.~~
- ~~73. [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.~~
- ~~74. [On](#) request from University Avenue Storage, LLC (Will Matthews, Officer) to amend the PlanDSM: Creating Our Tomorrow future land use designation located at 1960 Claypool Street from Business Park to Industrial to allow rezoning from RX1 Mixed Use District to H Industrial District for the expansion of the existing self-service storage located on adjacent property.~~
- ~~(A) [First](#) consideration of ordinance above.~~
- ~~(B) [Final](#) consideration of ordinance above (waiver requested by James E. Nervig, Attorney for University Avenue Storage, LLC), requires six votes.~~
- ~~75. [On](#) request from Menard, Inc. (Theron Berg, Officer) for property located at 6000 Southeast 14th Street; 5907, 5911, and 5917 Southeast 8th Street; and 801 Hart Avenue to amend PlanDSM: Creating Our Tomorrow future land designation from Community Mixed Use within a Community Node to approve an amendment to the Large Scale Development Plan on file for the existing 20.8-acre site for Retail Sales Large Format use, and to rezone the property from Neighborhood from Limited CX-V Mixed Use to N3a Neighborhood District to allow retention of two One Household Living residences (5907 Southeast 8th Street and 801 Hart Avenue) that are no longer proposed for redevelopment in conjunction with the Large Format Retail Sales use adjacent to the east and to revise zoning conditions contained in Ordinance 15,929 that were applied to the site it was rezoned to CX-V District.~~
- ~~(A) [First](#) consideration of ordinance above (600 14th Street, and 5911 and 5917 Southeast 8th Street).~~
- ~~(B) [Final](#) consideration of ordinance above (waiver requested by Theron J. Berg, Real Estate Manager, Menard, Inc.), requires six votes.~~
- ~~(C) [First](#) consideration of ordinance above (5907 Southeast 8th Street and portions of 801 Hart Avenue).~~

~~(D) Final consideration of ordinance above (waiver requested by Theron J. Berg, Real Estate Manager, Menard, Inc.), requires six votes.~~

~~76. 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 allow 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.~~

COMMUNICATIONS/REPORTS

~~WITHDRAWN
21-0919~~

~~77. Requests to speak as follows: **No Speakers Spoke.**~~

- ~~(A) Shirley Evans.~~
- ~~(B) Connie Wright.~~
- ~~(C) Amy Luebbert.~~
- ~~(D) Shari Hawk.~~
- ~~(E) Jolene Prescott.~~
- ~~(F) Jean O'Donnell.~~
- ~~(G) Elizabeth Ferreira.~~
- ~~(H) Angela Young.~~
- ~~(I) Z Shan Bhaidani.~~
- ~~(J) Indira Sheumaker.~~
- ~~(K) Brad Wiesenmayer.~~
- ~~(L) John Howell.~~
- ~~(M) Marie Nalan.~~
- ~~(N) Luke Baseom.~~
- ~~(O) Chase Seibert.~~
- ~~(P) Paden Sheumaker.~~
- ~~(Q) Elizabeth Folkers.~~
- ~~(R) Marcia A. Lyon.~~
- ~~(S) Kimberly M. Myles.~~
- ~~(T) Eva Lewin.~~

~~21-0920~~

~~77-I Motion to continue hearing items 72-76 until Wednesday June 16, 2021 at 7:30 AM and to recess the meeting until Wednesday June 16, 2021 at 7:30 AM. Moved by Gatto to adopt at 5:59 PM. Motion Carried 7-0.~~

~~MOTION TO ADJOURN.~~