



**\*\*\* 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 28, 2021**

**5:00 P.M.**

The public is hereby notified that if the meeting is disrupted as it was June 14th which made conducting that in-person meeting impossible or impractical, that Council will make a finding of impossibility or impracticality and then immediately reconvene as soon as practical into an electronic only meeting at the zoom link in this agenda below to conduct the peoples' business. **The zoom link will not be active unless the in-person meeting is disrupted**. Persons are reminded of the following:

1. We welcome germane comments from the public at the appropriate time, but this is a Council business meeting and the Council needs to conduct the people's business and Council has rules that are validly adopted under Iowa law and those rules will be followed.
2. Anyone engaging in disruptive conduct will result in those being disruptive being ordered to leave chambers.
3. No person will be permitted to stand in the council chamber during council sessions between the audience seats and the councilmembers except the persons addressing the council **at the speakers' microphone** and *only* after being recognized by the Mayor.
4. All persons desiring to address the council may do so only when recognized by the Mayor, but the council reserves the right to limit the speaker's time and the order in which the speakers may address the council.
5. **Under Section 2-70 of the City Code**, it is illegal to interrupt any person who is addressing the council except by a council member and it is illegal to disrupt the Council meeting.
6. EVERYONE in attendance has First Amendment rights and any disruptive conduct by one person or group impinges on the rights of others present, so disruptive conduct will not be tolerated.
7. If the meeting is disrupted, the public speaking portion of the meeting will be moved to the next in-person meeting which is not disrupted.
8. Those who disrupt the meeting will not be called on during the electronic meeting and may be cited for disorderly conduct, trespass or interfering with the good order of the meeting or other applicable charges.

**THE ZOOM LINK WILL NOT BE ACTIVE UNLESS THE IN-PERSON MEETING IS DISRUPTED.**

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

Please click this URL to join.

<https://dmgov-org.zoom.us/j/84376634648?pwd=aEpm0M4a2d4WTdGSDVDU3NkNlZHZz09>

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+13126266799,,84376634648# US (Chicago)

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Webinar ID: 843 7663 4648

[21-0943](#)

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

[21-0944](#)

- I. **Amending the procedural rules of the Des Moines City Council. Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0945](#)

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

[21-0946](#)

3. **APPROVING CONSENT AGENDA \* – items 3 through 51: 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**

[21-0947](#)

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

**NEW APPLICATIONS**

(A) FIESTA MEXICAN RESTAURANT	1810 ARMY POST RD	C Liquor
(B) HOTEL FORT DES MOINES	1000 WALNUT ST	B Liquor
(C) ST KILDA CATERING	1011 LOCUST ST	C Liquor

**RENEWAL APPLICATIONS**

(D)	1ST STOP BEVERAGE SHOP	2839 E UNIVERSITY	E Liquor
(E)	AKEBONO RESTAURANT	215 10TH ST	C Liquor
(F)	BEAVERDALE VFW CLUB	4029 URBANDALE	A Liquor
(G)	BERK AND CHESTERS	5800 FLEUR DR	C Liquor
(H)	BLANK PARK ZOO	7401 SW 9TH STREET	C Liquor
(I)	BUBBA - SOUTHERN COMFORTS	200 10TH ST	C Liquor
(J)	BUFFALO WILD WINGS	4345 MERLE HAY RD	C Liquor
(K)	DRUGTOWN WINE AND SPIRITS	4100 UNIVERSITY	E Liquor
(L)	DES MOINES PLAYHOUSE	831 42 <sup>ND</sup> ST	C Liquor
(M)	EXILE BREWING COMPANY	1514 WALNUT ST	C Liquor
(N)	FONGS PIZZA	3018 FOREST AVE.	C Beer/Wine
(O)	HOLIDAY INN DOWNTOWN	1050 6TH AVE	B Liquor
(P)	HY VEE FOOD STORE #4	4605 FLEUR DR	E Liquor
(Q)	HY VEE FOOD STORE #5	1107 E ARMY POST	E Liquor
(R)	LOCUST TAP	434 E LOCUST ST	C Liquor
(S)	MOTLEY SCHOOL TAVERN	1903 BEAVER AVE	C Liquor
(T)	PRINCIPAL FINANCIAL	750 PARK ST	C Liquor
(U)	RITAS CANITANA	401 SE 5TH ST	C Liquor
(V)	RIVER WALK HUB SPOT	215 WATER ST	C Liquor
(W)	SMOKIN JOES #20	3019 SE 14TH ST	C Beer
(X)	SOUTH TOWN TAP	3803 SW 9TH ST	C Liquor
(Y)	SPLASH SEAFOOD BAR & GRILL	303 LOCUST ST	C Liquor
(Z)	TOBACCO HUT PLUS US GAS	3000 SW 9TH ST	E Liquor
(AA)	WAVELAND MUNICIPAL GOLF	4908 UNIVERSITY AVE	C Liquor
(BB)	WHISKEY RIVER INGERSOLL	2301 INGERSOLL AVE	C Liquor

**SPECIAL EVENT APPLICATIONS**

(CC)	BUD TENT	3000 E GRAND AVE	Five (5) Day License
Class B Beer License for the Goodguys Car Show on July 2 -4, 2021.			
(DD)	DEPOT	3000 E GRAND AVE	Five (5) Day License
Class C Liquor License for the Goodguys Car Show on July 2 -4, 2021.			
(EE)	IOWA TAPROOM	215 E 3RD ST	Five (5) Day License
Class B Beer License for Moonlight Classic on July 10, 2021.			
(FF)	PAVILION	3000 E GRAND AVE	Five (5) Day License
Class B Beer License for the Goodguys Car Show on July 2 -4, 2021.			
(GG)	SA PRESENTS	2201 GEORGE FLAGG	C Liquor
Fourteen day license for Blues Traveler & JJ Grey and Mofro concert on July 9, 2021 and Cody Johnson & Friends concert on July 16, 2021.			
(HH)	TRUMANS KC PIZZA	400 SE 6TH ST	Five (5) Day License
Class C Liquor License for Moonlight Classic on July 10, 2021.			

- (II) YOUR PRIVATE BAR                      500 E LOCUST ST                      Five (5) Day License  
Class C Liquor License for a private event on July 3, 2021.

- [21-0948](#)                      5. [City Clerk](#) to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Cownie.**

## PUBLIC IMPROVEMENTS

- [21-0949](#)                      6. [Approving](#) and authorizing the application for a Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant for the Southeast Connector Project between SE 30th Street and U.S. 65. ([Council Communication No. 21-294](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0950](#)                      7. [Approving](#) Supplemental Agreement No. 3 to the Professional Services Agreement (PSA) with Veenstra & Kimm, Inc. for additional construction phase services for Market District Sanitary Sewer Improvements, not to exceed \$90,448. ([Council Communication No. 21-293](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0951](#)                      8. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement (PSA) with Stanley Consultants, Inc. for additional design services for Dean Avenue Reconstruction – E. 26<sup>th</sup> Street Redhead Road, not to exceed \$41,270. ([Council Communication No. 21-288](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0952](#)                      9. [Acceptance](#) of a proposal from MidAmerican Energy Company to remove existing utility poles and relocate overhead utilities underground for E. 2nd Street Reconstruction from E. Court Avenue to Iowa Interstate Railroad, in an amount of \$140,334.05. ([Council Communication No. 21-291](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0953](#)                      10. [Approving](#) Private Construction Contract between Elder Corporation and 217 E. Second, LC for Sanitary Sewer Improvements in 217 E. 2<sup>nd</sup> Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

11. Approving completion and acceptance of private construction contracts for the following:

- [21-0954](#)                      (A) [Storm](#) Sewer Improvements in 2530 University Avenue between CIDW, LLC and Drake Multifamily, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0955](#)                      (B) [Paving](#) Improvements in Ruby Rose Ridge between Legacy Excavation, LLC and Kenyon Hill Ridge, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0956](#)                      12. [Communication](#) from contractors requesting permission to sublet certain items on public improvement project. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0957](#) 13. [Accepting](#) completed construction and approving final payment for Simon Estes Amphitheater Repairs, Minturn, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

#### **SPECIAL ASSESSMENTS**

14. Deletion of rental inspection assessment at the following:

[21-0958](#) (A) [1912](#) E Creston Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0959](#) (B) [1914](#) E Creston Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

[21-0960](#) 15. [Recommendation](#) by Council Member Gray to re-appoint Matt Connolly to the Housing Services Board, Seat 4, for a three-year term commencing on July 1, 2021, and ending on June 30, 2024. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0961](#) 16. [Recommendation](#) by Council Member Gray to re-appoint Ann Giudicessi to the Access Advisory Board, Seat 12, for a four-year term commencing on June 16, 2021, and ending on June 15, 2025. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0962](#) 17. [Recommendation](#) by Council Member Gray to re-appoint Carolyn Jenison to the Plan and Zoning Commission, Seat 9, for a five-year term commencing on July 1, 2021, and ending on June 30, 2026. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0963](#) 17I. [Recommendation](#) by Mayor T.M. Franklin Cownie to appoint Todd Garner to the Plan and Zoning Commission, Seat 15, for the term commencing on July 1, 2021, and ending June 30, 2026. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0964](#) 18. [Communication](#) from Jan Goode advising of her resignation from the Neighborhood Revitalization Board, Seat 5, effective May 27, 2021. **Moved by Gatto to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- [21-0965](#) 19. **Regarding** request from Joppa Cheatom Park, LLC (Joe Stevens, Officer) for vacation of the north/south segment of alley right-of-way west of, and adjoining, the property at 1010 13th Street, running north from Interstate 235 to the east/west alley in the block bounded by Laurel Street on the north, Interstate 235 on the south, 13th Street on the east, and 14th Street on the west, to allow the property to be assembled with adjoining parcels owned by the applicant. **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.**
- [21-0966](#) 20. **Regarding** request from Des Moines Climate Controlled Self Storage, LLC (Mark Bockenstadt, Officer) for vacation of the north/south segment of alley right-of-way east of, and adjoining, the property located at 1106 Scott Avenue in the block bounded by East M.L. King Jr. Parkway on the north, Scott Avenue on the south, Southeast 12th Street on the east, and Southeast 10th Street on the west, to allow the property to be assembled with adjoining property for purposes of commercial redevelopment. **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.**
- [21-0967](#) 21. **Regarding** request from 3524 6th Avenue, LLC (Joseph Cordaro, Officer) for vacation of a 5.50-foot by 50.61-foot segment of air rights along the west side of 6th Avenue adjoining property located at 3524 6th Avenue to allow continued encroachment of existing 2nd and 3rd floor bay window projections with the renovation of the building. **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.**

## SETTING DATE OF HEARINGS

- [21-0968](#) 22. **On** the application for voluntary annexation by ILEX Group, Inc. (7-19-21). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0969](#) 23. **On** appeal by Fareway Stores, Inc. of denial of site plan for property located at 2716 Beaver Avenue and 2723 41<sup>st</sup> Place, (7-12-21). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0970](#) 24. **On** vacation of segments of 42nd Street right-of-way and conveyance of easements for bus shelter encroachment on City-owned property to Des Moines Area Regional Transit Authority (DART), \$440, (7-19-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0971](#) 25. On request from Larson Enterprises (John Fitzgerald, Officer) for property located at 1600 East Army Post Road to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park to Community Mixed Use and to rezone the property from EX Mixed Use District to CX Mixed Use District, to allow an expansion of the existing Large Format Retail use, (7-19-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0972](#) 25I. On the proposition to authorize a lease purchase in the principal amount of not-to-exceed \$75,000, for the purpose of acquiring certain items of equipment consisting of three Nissan Leaf Electric Vehicles, (7-19-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[21-0973](#) 26. Approving payment to Darryl Elswick. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Gray.**

[21-0974](#) 27. Retention of Outside Counsel to act as guardian ad litem. **Moved by Gatto to adopt. Motion Carried 7-0.**

#### CITY MANAGER COMMUNICATIONS

[21-0975](#) 27I. Receive and file from ADT regarding LifeSaver Award celebration to be held in Des Moines. **Moved by Gatto to receive and file. Motion Carried 7-0.**

#### APPROVING

[21-0976](#) 28. Amended Community Development Block Grant (CDBG) Agreement with Youth and Shelter Services (YSS), doing business as Iowa Homeless Youth Centers (IHYC) for an additional \$100,000 for the Rooftop Gardens facility located at 2705 E. Euclid Avenue. ([Council Communication No. 21-287](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0977](#) 29. Supplemental Emergency Solutions Grant Funding to prepare for, prevent, and respond to Coronavirus (ESG-CV 2) allocation to Central Iowa Shelter & Services (CISS) for the mobile shower unit. ([Council Communication No. 21-289](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

[21-0978](#) 30. Preliminary terms of an Urban Renewal Development Agreement with SW9 215, LLC (Kris Saddoris, Officer) for the construction of a 5-story, 66-unit Multi-family Housing Project located on vacant, city-owned property at 215 SW 9<sup>th</sup> Street. ([Council Communication No. 21-304](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0979](#) (A) [Support](#) of Workforce Housing Tax Credit (WHTC) benefit application to be submitted to the Iowa Economic Development Authority by SW9 215, LLC (Kris Saddoris, Officer) for the 215 SW 9<sup>th</sup> Project. ([Council Communication No. 21-306](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0980](#) 31. [Preliminary](#) terms of an Urban Renewal Development Agreement with Des Moines Climate Controlled Storage, LLC (Mark Bockenstedt) for the construction of a new 4-story, 153,600 sq. ft. storage complex at 503 SE 12th Street. ([Council Communication No. 21-305](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0981](#) 32. [Urban](#) Renewal Development Agreement with Urban Campus Apartments LLLP, Hatch Development Group, LLC, and Kiernan Development & Construction, LLC (Jack Hatch, Michael Kiernan) for the multi-family new construction project at 1230 6<sup>th</sup> Avenue. ([Council Communication No. 21-285](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0982](#) (A) [Support](#) for a Workforce Housing Tax Credit (WHTC) benefit applications to be submitted to the Iowa Economic Development Authority (IDEA) by Hatch Development Group, LLC (Jack Hatch) for the Sixth Avenue Flats project at 1230 6<sup>th</sup> Avenue. ([Council Communication No. 21-306](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0983](#) 33. [Urban](#) Renewal Development Agreement with ILEX Group, Inc. and JE Northridge 2021, LLC (Ben Schultes, Officer) for the construction of Warehouse Buildings located in the vicinity of 4600 NE 14<sup>th</sup> Street. ([Council Communication No. 21-290](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0984](#) 34. [First](#) Amendment to Urban Renewal Development Agreement with Merle Hay Investors, LLC and Merle Hay Anchors, LLC (Elizabeth Holland, Officer) for redevelopment of a portion of the Merle Hay Mall Phase 2. ([Council Communication No. 21-284](#)) **Moved by Gatto to approve. Motion Carried 7-0.**
- [21-0985](#) 35. [Second](#) Amendment to Urban Renewal Development Agreement with Des Moines Cold Storage Co., Inc. and Crossroads Cold Storage, LLC (CJ Morton) regarding Phase II Property at SE 43<sup>rd</sup> and Vandalia Road. ([Council Communication No. 21-295](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0986](#) 36. [Contingent](#) Use of \$120,000 from the Economic Development Enterprise Fund as the City Match for Workforce Housing Tax Credit (WHTC) Application for Merge Urban Development Group. ([Council Communication No. 21-282](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0987](#) (A) [Support](#) for a Workforce Housing Tax Credit (WHTC) benefit application to be submitted to the Iowa Economic Development Authority by Merge, LLC (Brent Dahlstrom, Officer) for the Dogtown Mixed Use Project at 25<sup>th</sup> and Carpenter Avenue. ([Council Communication No. 21-306](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**



- [21-0988](#) 37. [Support](#) of Workforce Housing Tax Credit (WHTC) benefit application to be submitted to the Iowa Economic Development Authority by DEV Partners c/o Home Investments 6, LLC (Daniel Heggen, Officer) for the Concord Project at 732 and 740 18<sup>th</sup> Street. ([Council Communication No. 21-306](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0989](#) 38. [Support](#) for a Workforce Housing Tax Credit (WHTC) benefit application to be submitted to the Iowa Economic Development Authority (IDEA) by Tree House Partners, LLC (Tim Rypma, Paul Cownie and Jeremy Cortright) for the Grand Trees Project at 2315 Grand Avenue. ([Council Communication No. 21-306](#)) **Moved by Gatto to adopt. Motion Carried 6-0. Mayor Cownie abstains from voting based on an appearance of a conflict of interest.**
- [21-0990](#) 39. [Support](#) of a Workforce Housing Tax Credit (WHTC) benefit application to be submitted to the Iowa Economic Development Authority (IDEA) by Euclid Foresight, LLC (Connor Delany) for the French Way Cleaners Project at 413 Euclid Avenue. ([Council Communication No. 21-306](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0991](#) 40. [Approving](#) an exception to the procurement ordinance competitive process for good cause and approving an agreement with Police Executive Research Forum (PERF) for professional training of Police Officers to safely and professionally resolve critical incidents. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0992](#) 41. [Iowa](#) Department of Transportation (IDOT) State Recreational Trails (SRT) funding grant application for Riverview Connection Trail. ([Council Communication No. 21-283](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0993](#) 42. [Use](#) of various City facilities as poll sites for the General Election on Tuesday, November 2, 2021. **Moved by Gatto to approve. City Clerk will notify the Parks Department and the Housing Services Department to arrange access to the buildings. Motion Carried 7-0.**
- [21-0994](#) 43. [Extension](#) of contract for Professional Auditing Services with RSM US LLP to provide auditing services for fiscal year 2020/21. ([Council Communication No. 21-281](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0995](#) 44. [Annual](#) Insurance Renewal for July 1, 2021 (Fiscal Year 2021/22) property, casualty and other city operations. ([Council Communication No. 21-280](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0996](#) 45. [Request](#) from Downtown Community Alliance, on behalf of the University of Iowa, for approval of up to 80 banners on 40 banner poles in Downtown Des Moines beginning August 1, 2021. These banners will be displayed on Western Gateway Park and the Historic East Village. **Moved by Gatto to receive, file and approve. Motion Carried 7-0.**

- [21-0997](#) 46. [Request](#) from Downtown Community Alliance, on behalf of the Greater Des Moines Partnership will facilitate the display of 48 banners on 24 banner poles in Downtown Des Moines beginning August 1, 2021. These banners will be displayed in Grand Avenue and Locust Street bridges until December 31, 2021. **Moved by Gatto to receive, file and approve. Motion Carried 7-0.**
47. Purchases from the following:
- [21-0998](#) (A) [CDW](#) Government LLC (Christina A. Leahy, President) for Cisco SmartNet maintenance and support services for Cisco network equipment and software for a 3-year period per NASPO Value Point Contract as requested by the Information Technology Department, \$153,729.58 annual cost, \$461,188.75 total cost. ([Council Communication No. 21-278](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0999](#) (B) [Waldinger](#) Corporation (Thomas Koehn, CEO) for a blanket purchase order for FY 2022 miscellaneous heating, ventilation and air conditioning (hvac) services per State of Iowa Contract as requested by the Facilities Division, \$91,143. ([Council Communication No. 21-300](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1000](#) (C) [Vermeer](#) Sales and Service Inc. (Jason Andringa, President and CEO) for two replacement brush chippers per Sourcewell Contract as requested by the Fleet Services Division, \$139,570. ([Council Communication No. 21-301](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1001](#) (D) [Clark](#) Equipment Company d/b/a Bobcat Company, Government Sales (David Rowles, President) for a replacement compact tracked skid steer loader per State of Iowa Contract for use in Parks and Recreation Department as requested by the Fleet Services Division, \$60,709.30. ([Council Communication No. 21-302](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1002](#) (E) [Central](#) Service and Supply (Dan Abramovich, President) for one additional hydraulic power unit with portable submersible pumps per State of Iowa Contract for use in the Sewers Division of Public Works Department, \$65,310. ([Council Communication No. 21-299](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1003](#) (F) [Heartland](#) Business Systems, (Peter Helander CEO) for Cisco wireless network hardware per the State of Iowa Contract as requested by the Information Technology Department, \$134,607.60. ([Council Communication No. 21-279](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1004](#) (G) [W. W. Grainger](#) (Shannon Waddell, Branch Manager) for a blanket purchase order for miscellaneous industrial supplies and equipment during FY 2022 per Omnia Master Agreement, \$50,000. ([Council Communication No. 21-277](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1005](#) (H) [AP/M Permaform](#) (Bill Shook, President) sole area-wide distributor for high-strength grout products to be used during fiscal year 2022 as requested by the Public Works Department, \$100,000. ([Council Communication No. 21-275](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

Withdrawn

[21-1006](#) 48. ~~[Accepting](#) proposal of Cale America, Inc. d/b/a Flowbird for multi-space parking meter system and approving agreement for same. ([Council Communication No. 21-298](#))~~

49. Communication of fire escrow at the following locations:

[21-1007](#) (A) [2814](#) Easton Boulevard. **Moved by Gatto to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of the notice received on May 11, 2021, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**

[21-1008](#) (B) [1662](#) Northwest Drive. **Moved by Gatto to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of certified mail notice dated May 28, 2021, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**

[21-1009](#) (C) [2432](#) Whispering Ridge Drive. **Moved by Gatto to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of certified mail notice dated May 4, 2021, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**

50. Abatement of public nuisance as follows:

[21-1010](#) (A) [1274](#) Stewart Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1011](#) (B) [3705](#) 5<sup>th</sup> Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1012](#) (C) [3328](#) Dubuque Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1013](#) (D) [4330](#) Hubbell Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1014](#) (E) [1210](#) Army Post Road. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1015](#) (F) [1424](#) E. Virginia Avenue, Lot 28. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1016](#) (G) [2700](#) Logan Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1017](#) (H) [1335](#) McCormick St. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1018](#) 50I. [Authorizing](#) Finance Director to draw checks on registers for the weeks of June 28, July 5 and 12, 2021; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 28 and July 5 and 12, 2021; to draw checks for biweekly payroll due July 2 and 16, 2021. **Moved by Gatto to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

- [21-1019](#) 51. 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. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

**ORDINANCES - FIRST CONSIDERATION**

- [21-1020](#) 52. Amending Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: (Council Communication No. 21-303) **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (A) Parking Restriction –Guthrie Avenue between E. 28<sup>th</sup> Street and E. 29<sup>th</sup> Street.
- (B) Parking Restriction–E. Broad Street/SE 9<sup>th</sup> Street between SE 8<sup>th</sup> Court and Indianola Avenue.
- (C) Parking Restriction–Crocker Street from 5<sup>th</sup> Avenue to 7<sup>th</sup> Street.
- (D) 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, #16,017. Motion Carried 7-0.**

[21-1021](#)

**COUNCIL REQUESTS**

- [21-1022](#) 53. Resolution expressing support of City staff. **Moved by Gatto to adopt. Motion Carried 7-0.**

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 54 THRU 74)**

- [21-1023](#) 54. On the conveyance of vacated street right-of-way located south of and adjoining 1445 Dean Avenue to Sam KCAD Real Estate 1, LLC for \$50. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-1024](#) 55. 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 Cory L. Schooley and Kristin Schooley for \$4,400. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

- [21-1025](#) 56. **Dismiss** hearing on vacation of portions of 12<sup>th</sup> 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 Mandelbaum to adopt. Motion Carried 7-0.**
- [21-1026](#) 57. **On** vacation of a portion of 23<sup>rd</sup> Street right-of-way adjoining Woodland Cemetery. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [21-1027](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [21-1028](#) (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, #16,018. Motion Carried 7-0.**
- [21-1029](#) 58. **Closing** public hearing on the proposed Twenty-eighth Amendment to the Metro Center Urban Renewal Plan. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [21-1030](#) 59. **On** request from ILEX Group, Inc. for the PUD Final Development Plan “Northridge 80/35 Business Park – Plat 1” and for review and approval of a preliminary “Northridge 80/35 Business Park” all for property in vicinity of 4600 East 14<sup>th</sup>. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [21-1031](#) 60. **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. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1032](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [21-1033](#) (B) 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, #16,019. Motion Carried 7-0.**

- [21-1034](#) 61. **On** request from Terrace Hill, LLC 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 for a Conditional Use approval by Zoning Board of Adjustment for a Bar associated with reuse of property for a hotel. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [21-1035](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [21-1036](#) (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, #16,020. Motion Carried 7-0.**
- [21-1037](#) 62. **On** request from Greg LoRang and Elissa Cirigonotta to amend PlanDSM: Creating Our Tomorrow future land use designation for property located at 1235 43<sup>rd</sup> Street from Low Density Residential within a Community Node to Low-Medium Density Residential within a Community Node to allow rezoning to 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. **Moved by Gray to adopt. Motion Carried 7-0.**
- [21-1038](#) (A) **First** consideration of ordinance above. **Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [21-1039](#) (B) **Final** consideration of ordinance above (waiver requested by Greg LoRang, Owner), 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, #16,021. Motion Carried 7-0.**
- [21-1040](#) 63. **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 allow for rezoning of property located at 2829 Easton Boulevard from MX1 to MX3 Mixed Use District to allow the existing building to be considered for a Conditional Use approval by the Zoning Board of Adjustment for a business selling alcoholic liquor. **Moved by Westergaard to to adopt and DENY the proposed amendment to the PlanDSM future land use designation and the proposed rezoning, and to make the following findings of fact regarding said proposals:**
- a. **The City Plan and Zoning Commission voted 11-0 to recommend denial of the requested proposed amendment to the PlanDSM future land use designation to Community Mixed Use and proposed rezoning of the Property to MX3 Mixed Use**

- District, to allow the existing building to be considered for a Conditional Use approval by the Zoning Board of Adjustment for a business selling alcoholic liquor.
- b. The current PlanDSM: Creating Our Tomorrow Plan future land use designation of the Property is Neighborhood Mixed Use, and current zoning designation is MX1 Mixed Use District, both of which are intended for intended to be located along high capacity transit corridors and not along neighborhood collector streets, such as Easton Boulevard.
  - c. The proposed land use designation of Community Mixed Use is described as “small-to medium-scale mixed use development, located on high capacity transit corridors or at the intersection of transportation corridors....includ[ing] both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customers.”
  - d. The Property is located in a neighborhood and area that contains a small cluster of existing commercially zoned properties but which is predominantly designated Low Density Residential, and contains existing single-household residential uses, which is consistent with the character of the neighborhood at the adoption of PlanDSM in 2016.
  - e. The proposed amendment to the PlanDSM future land use designation of the Property and the proposed rezoning would not be consistent with the intent of the PlanDSM comprehensive plan for the subject neighborhood/area.
  - f. If the proposed amendment to the PlanDSM future land use designation of the Property to Community Mixed Use is not approved, then the proposed rezoning to MX3 Mixed Use District is inapplicable due to non-conformance with the PlanDSM designation of Neighborhood Mixed Use.
  - g. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the Property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment. Motion Carried 7-0.

[21-1041](#)

64. On request from Legacy Park, LLC to rezone property located at 1315-1325 9<sup>th</sup> Street and 1322-1332 8<sup>th</sup> 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. **Moved by Gray to adopt. Motion Carried 7-0.**

[21-1042](#)

- (A) First consideration of ordinance above. **Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[21-1043](#)

- (B) Final consideration of ordinance above (waiver requested by Russ Frazier, President, Legacy Park, LLC, Anawim Housing General Partner), 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, #16,022. Motion Carried 7-0.**

- [21-1044](#) 65. **Dismissing** hearing 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. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [21-1045](#) 66. **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 June 14, 2021) (Continue to July 19, 2021). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1046](#) 67. **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. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [21-1047](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [21-1048](#) (B) **Final** consideration of ordinance above (waiver requested by Neighborhood Services Department Director), 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, #16,023. Motion Carried 7-0.**
- [21-1049](#) 68. **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 to rezone from N5 Neighborhood District to N5-2 Neighborhood District to allow use of the property for a Two Household Living dwelling. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [21-1050](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [21-1051](#) (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, #16,024. Motion Carried 7-0.**



[21-1052](#)

69. **On** request from Flummerfelt Eagle Pointe, LLC (Owner) represented by Mike Flummerfelt (Officer), for property located in the vicinity of 1985 East Army Post Road, to amend the PlanDSM Creating Our Tomorrow Plan future land use classification from Medium Density Residential to Business Park for a portion of property to the north of the requested rezoning area, to approve a Large-Scale Development Plan for the site redevelopment of 18.50 acres for a Mobile Home Park expansion, and to rezone the property from “EX” Mixed Use District to “NM” Neighborhood District, to allow use of the property for a Mobile Home Park. **Moved by Gatto to deny and receive and file documents. Motion Carried 7-0.**

Withdrawn

[21-1053](#)

Withdrawn

[21-1054](#)

- (A) ~~First consideration of ordinance above.~~
- (B) ~~Final consideration of ordinance above (waiver requested by Mike Flummerfelt, (Officer), requires six votes.~~

[21-1055](#)

70. **On** request by Angela Young (resident) to provide an honorary name of “Dr Bobby Young Avenue” to a segment of Washington Avenue between 16<sup>th</sup> 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. **Moved by Gray to adopt. Motion Carried 7-0.**

[21-1056](#)

71. **On** intent to commence a public improvement project to construct the Southwest 9<sup>th</sup> Street Bridge Replacement Over Middle South Creek Project and to authorize acquisition of the necessary property interests, including agricultural land. ([Council Communication No. 21-292](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[21-1057](#)

72. **On** proposed amendments to Zoning Ordinance and Planning and Design Ordinance. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[21-1058](#)

- (A) **First** consideration of ordinance above (Chapter 134). **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[21-1059](#)

- (B) **Final** consideration of ordinance above (waiver requested by Neighborhood Services Department and Development Services Department, 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, #16,025. Motion Carried 7-0.**

- [21-1060](#) (C) [First](#) consideration of ordinance above (Chapter 135). **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [21-1061](#) (D) [Final](#) consideration of ordinance above (waiver requested by Neighborhood Services Department and Development Services Department, 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, #16,026. Motion Carried 7-0.**
- [21-1062](#) 73. [On](#) Witmer Park Playground and Restroom Improvements, Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Graphite Construction Group, Inc. (Russell Carew, President), \$558,000. ([Council Communication No. 21-296](#)) **Moved by Gray to adopt. Motion Carried 5-2. Nays: Gatto and Westergaard.**
- [21-1063](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Gray to adopt. Motion Carried 5-2. Nays: Gatto and Westergaard.**
- [21-1064](#) 74. [On](#) City Facility FY 2021-2022 Parking Lot Improvements, Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Concrete Technologies, Inc. (Brad Baumler, President), \$572,178.20. ([Council Communication No. 21-286](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1065](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Boesen to adopt. Motion Carried 7-0.**

\*\*\*\* END OF HEARINGS 6:58 P.M. \*\*\*\*

## COMMUNICATIONS/REPORTS

[21-1066](#)

75. [Requests](#) to speak as follows: **Moved by Gatto to receive and file. Motion Carried 7-0. Matthea Little Smith, Leslie Barnhizer, Alyssa Huesgen, Vanessa Moranchel, James Grimm, Chelsea Chism-Vargas, Athena Hannam, Jaime Leiva and Chris Morse did not speak.**

- (A) Abby Bankes.
- (B) Matthea Little Smith.
- (C) Laural Clinton.
- (D) Frieda Bequeaith
- (E) Leslie Barnhizer.
- (F) Alyssa Huesgen.
- (G) Ron Goodman.
- (H) Nancy Goodman.
- (I) Adam Callanan.
- (J) Vanessa Moranchel.
- (K) James T. Grimm.
- (L) Chelsea Chism-Vargas.
- (M) KT Menke.
- (N) Jaylen Cavil.
- (O) Bridget Pedersen.
- (P) Leah Plath.
- (Q) Reverend Emily E. Ewing.
- (R) Athena Hannam.
- (S) Jaime Leiva.
- (T) Chris Morse.

[21-1067](#)

MOTION TO ADJOURN. **Moved by Cownie to adjourn at 7:28 PM. Motion Carried 7-0.**

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