



**\*\*\* 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**

December 20, 2021

5:00 P.M.

**Farewell Reception**  
**4:30 PM – 5:00 PM**  
**Great Hall, City Hall**  
**Council Member Bill Gray, Ward 1**  
**Masks required.**

***Due to the increased community transmission of COVID-19 in Polk County, we have implemented a face covering requirement in City buildings. The requirement applies to both staff and the visiting public and includes attendance at Council meetings. If you do not have a face covering, one will be provided for you.***

The public is hereby notified that the City Council will not tolerate disruption of its business meetings. Persons wishing to attend this meeting are reminded of the following:

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.

Anyone engaging in disruptive conduct in the Council Chambers or Great Hall will result in those being disruptive being ordered to leave the building and being denied readmittance for the remainder of the day.

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.

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.

**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.

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.

If the meeting is disrupted, the public speaking portion of the meeting may be moved to the next in-person meeting which is not disrupted.

Those who disrupt the meeting will not be called on during the meeting, will be ordered to leave the building and may be cited or arrested for disorderly conduct, trespass or interfering with the good order of the meeting or other applicable charges.

I. CLOSED SESSION – 3:00 PM

[21-1867](#)

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

[21-1868](#)

(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 by Roll Call 7-0.**

[21-1869](#)

(C) Closed Session.

[21-4870](#)

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

[21-1871](#)

(E) Motion to adjourn. **Moved by Gatto to adjourn at 4:30 PM. Motion Carried 7-0.**

\* \* \* \* \*

**PROCLAMATION**

National Homeless Persons Memorial Day

[21-1876](#)

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

[21-1877](#)

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

[21-1878](#)

3. APPROVING CONSENT AGENDA \* – items 3 through 67: **Moved by Boesen 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**

[21-1879](#)

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

**NEW APPLICATION**

(A) MAINGATE BAR & GRILL 2956 E GRAND AVE Class C Liquor

**RENEWAL APPLICATION**

(B) 801 STEAK & CHOP HOUSE 801 GRAND AVE #200 Class C Liquor  
(C) AIR LANES 4200 FLEUR DR Class C Liquor  
(D) DES MOINES CLUB 666 GRAND AVE #3400 Class A Liquor  
(E) EASYGO 2723 GRAND AVE Class C Beer  
(F) EXTRA INNINGS 1500 SE 1ST ST Class C Liquor  
(G) GIT N GO #2 1307 ARMY POST RD Class C Beer  
(H) GOLDEN FAMILY 4109 SE 14TH ST Class C Beer  
(I) HY VEE FAST & FRESH #3 3215 SE 14TH ST Class C Beer  
(J) KUM & GO #2722 2211 UNIVERSITY AVE Class C Beer  
(K) LA TAPATIA 1440 DES MOINES ST Class C Beer  
(L) LA TAPATIA III 4007 SE 13TH ST Class C Beer  
(M) LOS LAURELES 1518 E GRAND AVE Class C Liquor  
(N) NOCE 1326 WALNUT ST Class C Liquor  
(O) NOW OR LATER 3750 E UNIVERSITY AVE Class C Liquor  
(P) PAESANOS PIZZERIA 2804 SW 9TH ST Special Class C  
(Q) QUIK TRIP #544 3941 SE 14TH ST Class E Liquor  
(R) SLEEPY HOLLOW 4051 DEAN AVE Class C Liquor  
(S) TANGERINE FOOD CO 900 KEOSAUQUA WAY Class C Liquor  
(T) TEMPLE THEATER 1011 LOCUST ST Class C Liquor  
(U) TRIANGLE TAP 2506 POST ST Class C Liquor  
(V) W-TAO SUSHI 400 WALNUT ST #101-A Class C Liquor

**SPECIAL EVENT APPLICATIONS**

(W) APRES BAR CO 519 PARK ST 5 days  
Class C Liquor License for a wedding reception on December 31, 2021  
(X) APRES BAR CO 519 PARK ST 5 days  
Class C Liquor License for the Des Moines Wedding Show on January 9, 2022  
(Y) YOUR PRIVATE BAR 120 E 5TH ST 5 days  
Class C Liquor License for a wedding reception on January 8, 2022.

[21-1880](#)

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

[21-1881](#)

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

## PUBLIC IMPROVEMENTS

### 7. Ordering construction of the following:

- [21-1882](#) (A) [2022 Skywalk Bridge Structural Repair Program](#): Receiving of bids, (1-11-22), and Setting date of hearing, (2-7-22), Engineer's estimate, \$85,000. ([Council Communication No. 21-566](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1883](#) (B) [2<sup>nd</sup> Avenue Bridge over the Des Moines River Rehabilitation and 2<sup>nd</sup> Avenue Bridge over Birdland Drive Replacement](#): Receiving of bids, (1-19-22), and Setting date of hearing, (2-7-22), Engineer's estimate, \$7,433,771.90. ([Council Communication No. 21-570](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [21-1884](#) (C) [SW 9<sup>th</sup> Street Bridge Replacement over Middle South Creek](#): Receiving of bids, (1-19-22), and Setting date of hearing, (2-7-22), Engineer's estimate, \$1,731,800.54. ([Council Communication No. 21-574](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1885](#) (D) [9<sup>th</sup> and Locust Street Parking Garage Skywalk & Heating, Ventilation and Air Conditioning \(HVAC\) Improvements](#): Receiving of bids, (1-25-22), and Setting date of hearing, (2-21-22), Engineer's estimate, \$850,000. ([Council Communication No. 21-573](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1886](#) (E) [Ingersoll Avenue Streetscape from 28<sup>th</sup> Street to M.L. King, Jr. Parkway \(South Side\)](#): Receiving of bids, (1-25-22), and Setting date of hearing, (2-7-22), Engineer's estimate, \$5,350,000. ([Council Communication No. 21-545](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1887](#) (F) [Chesterfield Park Water Playground and Improvements](#): Receiving of bids, (1-25-22), and Setting date of hearing, (2-7-22), Engineer's estimate, \$1,760,000. ([Council Communication No. 21-571](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

### 8. Approving Private Construction Contract between the following:

- [21-1888](#) (A) [Vanderpool Construction, Inc. and HDR Land Development, LLC](#) for Storm and Sanitary Sewer Improvements in Woods of Cooper Creek Plat 6, \$234,438.00. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1889](#) (B) [Sternquist Construction Inc. and HDR Land Development, LLC](#) for Paving Improvements in the Woods at Copper Creek Plat 6, \$145,300.00. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1890](#) (C) [Graphite Construction Group, Inc.](#) and Des Moines Area Community College (DMACC) for Storm Sewer Improvements in 1144 7<sup>th</sup> Street, \$61,846.00. **Moved by Boesen to adopt. Motion Carried 5-2. Nays: Gatto and Westergaard.**

- [21-1891](#) 9. [Communication](#) from contractors requesting permission to sublet certain items on public improvement project. **Moved by Boesen to adopt. Motion Carried 5-2. Nays: Gatto and Westergaard.**
- [21-1892](#) 10. [Authorization](#), ratification, and confirmation of execution of contracts by City Engineer for Ingersoll Avenue – 42<sup>nd</sup> Street to Polk Boulevard Reconstruction Project and E. Douglas Avenue Reconstruction – E. 42<sup>nd</sup> Street to E. 56<sup>th</sup> Street Project. **Moved by Boesen to adopt. Motion Carried 7-0.**
11. Accepting completed construction and approving final payment for the following:
- [21-1893](#) (A) [2020](#) City-wide PCC Pavement Restoration Program, TK Concrete, Inc. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1894](#) (B) [2020](#) HMA Resurfacing Program Contract 2, Grimes Asphalt and Paving Corporation. **Moved by Boesen to adopt. Motion Carried 7-0.**

#### SPECIAL ASSESSMENTS

- [21-1895](#) 12. [Levying](#) assessments for costs of Nuisance Abatement-NAC-Emergency Assessment (Community Development), Schedule No. 2021-07. **Moved by Boesen to adopt. Motion Carried 7-0.**

#### LAND/PROPERTY TRANSACTIONS

- [21-1896](#) 13. [Tax](#) abatement applications for the additional value added by improvements completed during 2021, (261 application). ([Council Communication No. 21-546](#)) **Moved by Boesen to adopt, and to request that the Polk County Assessor apply the tax abatement to the valuation existing on January 1, 2021, and the property taxes payable in FY2022/23. Motion Carried 7-0.**
- [21-1897](#) 14. [Authorization](#) to proceed with acquisition of property interests for the SE 8<sup>th</sup> Street and E. Market Street Pump Station and Force Main Project. ([Council Communication No. 21-567](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1898](#) 15. [Conditionally](#) approving Final Subdivision Plat for Gray’s Slate Landing Plat 1. ([Council Communication No. 21-565](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1899](#) 16. [Conditionally](#) approving Woods on the River Plat 11 Final Plat, and acceptance of a PUD Restoration Bond and a Subdivision Bond. ([Council Communication No. 21-548](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1900](#) 17. [Receive](#) and file communication from the Plan and Zoning regarding Preliminary Plat “Fillman Preliminary Plat” on property located in the vicinity of 1415 East 38<sup>th</sup> Street. **Moved by Boesen to receive and file. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [21-1901](#) 18. [Appointing](#) T.M. Franklin Cownie, Joe Gatto and Linda Westergaard as Primary Representatives and Matt Anderson, Pam Cooksey and Malcolm Hankins as Alternate Representatives to the Wastewater Reclamation Authority (WRA) Management Agency for Calendar Year 2022. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1902](#) 19. [Recommendation](#) from Council Member Gray for appointment of Tom DeSio to the Zoning Board of Adjustment, Seat 4, for a five-year term commencing April 1, 2021 and expiring April 1, 2026. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1903](#) 20. [Recommendation](#) by Mayor T.M. Franklin Cownie to appoint Council Member Carl Voss and to reappoint Erin Olson-Douglas, Development Services Director and Malcolm Hankins, Assistant City Manager to the Neighborhood Development Corporation (NDC) Board of Directors effective January 1, 2022. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1904](#) 21. [Appointing](#) Josh Mandelbaum and T.M. Franklin Cownie as the Primary and Alternate Members to the Des Moines Area Regional Transit (DART) Authority for the Calendar Year of 2022. **Moved by Boesen to adopt. Motion Carried 7-0.**
22. Number Not Used.
- [21-1905](#) 23. [Receive](#) and file communications from the Housing Services Board regarding availability of affordable housing for Housing Choice Voucher (HCV) holders. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1906](#) 24. [Appointing](#) Linda Westergaard and Robert Mahaffey as Public Official and Senior Representative to Aging Resources of Central Iowa Board of Directors for Calendar Year 2022. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1907](#) 25. [Recommendation](#) by Council Member Gray to appoint Giada Morresi to Transportation Safety Committee, Seat 4, for a three-year term commencing December 31, 2021 and expiring December 31, 2024. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1908](#) 26. [Recommendation](#) by Council Member Boesen to reappoint Meg Schneider to Transportation and Safety Commission, Seat 2, for a three-year term expiring December 30, 2023. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1909](#) 27. [Recommendation](#) by Council Member Mandelbaum to reappoint Stacey Hanley to the Urban Design Review Board, Seat 6 for a three-year term commencing June 30, 2021 and expiring June 30, 2024 **Moved by Boesen to adopt. Motion Carried 7-0.**

- [21-1910](#) 28. [Recommendation](#) by Council Member Voss to reappoint Dave Kriens, Jr. to the Building and Fire Code Board of Appeals, Seat 10, for three-year term expiring on April 1, 2024. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1911](#) 28I. [Recommendation](#) by Council Member Voss to reappoint Nathan Stieler to the Access Advisory Board, Seat 11, for a four-year term expiring on June 15, 2025. **Moved by Boesen to adopt. Motion Carried 7-0.**

#### SETTING DATE OF HEARINGS

- [21-1912](#) 29. [On](#) request from Mid-Eastern Council on Chemical Abuse to amend PlanDSM: Creating Our Tomorrow future land use designation for property located at 3451 Easton Boulevard from Low Density Residential to Neighborhood Mixed Use to rezone the property from N3a Neighborhood District to RX1 Mixed Use to allow for Group Living use and for expansion of an existing outpatient rehabilitation facility and provision of overnight stay accommodations for patients, (1-10-22). **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1913](#) 30. [On](#) request from Employers Mutual Casualty Company to amend the PlanDSM: Creating Our Tomorrow future land use designation of 701 Walnut Street from Downtown Mixed Use to Park/Open Space and to rezone the property from DX1 Downtown District to P2 Public Civic and Institutional District to allow development of a Public Recreation Area use, (1-10-22). **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1914](#) 31. [On](#) the proposition to authorize a lease with Employers Mutual Casualty Company for the lease of real estate and park improvements at 701 Walnut Street for use by the Parks and Recreation Department as a public park, (1-10-22). ([Council Communication No. 21-543](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1915](#) 32. [On](#) the proposed Carpenter Urban Renewal Area Plan located between Forest Avenue, Martin Luther King Jr. Parkway, University Avenue, and 25<sup>th</sup> Street, with additional parcels north of Forest Avenue and south of University Avenue, (2-7-22). ([Council Communication No. 21-557](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [21-1916](#) 33. [Retention](#) of Outside Counsel to act as Guardian Ad Litem. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1917](#) 34. [Approving](#) payment to Gordon Trenhaile for workers' compensation claims. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1918](#) 35. [Approval](#) of the promotional appointment of Thomas G. Fisher, Jr. as a Deputy City Attorney to fill a vacancy within the Interdepartmental Division of the Legal Department effective no later than April 1, 2022. **Moved by Boesen to adopt. Motion Carried 7-0.**

- [21-1919](#) 36. [Recognition](#) of the City Attorney’s designation of a Chief Deputy and approval of promotional appointment of Carol J. Moser as Deputy City Attorney II to fill vacancy within the Legal Department effective no later than April 1, 2022. **Moved by Boesen to adopt. Motion Carried 7-0.**

#### CITY MANAGER COMMUNICATIONS

- [21-1920](#) 37. [Submitting](#) travel and training request for T.M. Franklin Cownie. ([Council Communication No. 21-577](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

#### APPROVING

- [21-1921](#) 38. [Proposal](#) of Brendle Group, Inc. for consulting services for Climate Action and Adaptation Plan (CAAP) and approving agreement, \$184,980. ([Council Communication No. 21-542](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

- [21-1922](#) 39. [Amending](#) Community Development Block Grant (CDBG) Project Agreement with 6<sup>th</sup> Avenue Corridor Inc. (6AC) for redevelopment project at 1601 6<sup>th</sup> Avenue. ([Council Communication No. 21-549](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

- [21-1923](#) 40. [Amending](#) Community Development Block Grant (CDBG) Project Agreement with 6<sup>th</sup> Avenue Corridor Inc. (6AC) for redevelopment of 1714 6<sup>th</sup> Avenue. ([Council Communication No. 21-547](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

41. Number Not Used.

- [21-1924](#) 42. [Third](#) Amendment to Amended and Restated Urban Renewal Agreement for sale of land for Private Redevelopment and Amended Declaration of Covenants with Miesblock Commercial, LLC (Michael K. Nelson). ([Council Communication No. 21-564](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

- [21-1925](#) 43. [Preliminary](#) terms of an Urban Renewal Development Agreement with HOA EVMF LLC (Heart of America – Chuck Ullrich) for construction of a Mixed-Use Project located at 317 E. 6<sup>th</sup> Street. ([Council Communication No. 21-550](#)) **Moved by Mandelbaum to adopt; have staff implement a policy that all future development agreements include verifiable payroll language and to schedule a Work Session to look at viewshed requirements. Motion Carried 7-0.**

- [21-1926](#) 43I. [Contract](#) termination to Economic Development Assistance Contract between Cognizant Technology Solutions U.S. Corporation and the Iowa Economic Development Authority. **Moved by Boesen to adopt. Motion Carried 7-0.**

- [21-1927](#) 44. [Final](#) terms of an Urban Renewal Development Agreement with Landus Cooperative to consolidate and relocate office space and an innovation center into a new headquarters at 220 SW 9<sup>th</sup> Street. ([Council Communication No. 21-575](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

- [21-1928](#) 44I. [Contract](#) amendment to Economic Development Assistance Contract between Meredith Corporation and the Iowa Economic Development Authority. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1929](#) 45. [Partial](#) Certificate of Completion to 217 E Second, LC (Jake Christensen) for the renovation of the existing 20,500-square foot commercial building located at 217 East 2<sup>nd</sup> Street for commercial and office uses. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1930](#) 46. [Certificate](#) of Completion to FW Rehab, LLC (Abbey Gilroy) for the renovation of 3610 6<sup>th</sup> Avenue into a Mixed-Use Residential and Commercial Development. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1931](#) 47. [Certificate](#) of Completion of Des Moines Cold Storage Co., Inc. and Crossroads Storage, LLC (C.J. Morton, Officer) for a 60,000-square foot storage addition to the existing warehouse at SE 43<sup>rd</sup> and Vandalia Road. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1932](#) 48. [Certificate](#) of Completion to 206 6<sup>th</sup> Avenue, LLC for the historic renovation and conversion of the Midlands Building to a hotel. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1933](#) 49. [Certificate](#) of Completion to the Drake Multi-Family LLC, for development of a 4-story multi-family housing project at 2530 University Avenue. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1934](#) 50. [Consenting](#) to sale and releasing terms, covenants and restrictions of development agreement obligations for former Central Fire Station No. 1 Property – 900 Mulberry Street. ([Council Communication No. 21-561](#)) **Moved by Boesen to adopt. During the due diligence period, Millang Properties, LLC is requested to meet with interested parties from adjacent residential properties to discuss the proposed redevelopment and operation plan for the property. Topics will include, but are not limited to, hours of operation, security, lighting, and parking. Motion Carried 7-0.**
- [21-1935](#) 51. [Consent](#) to Assignment of Lease Agreement with Greater Des Moines Baseball Co. to DBH Iowa, LLC. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1936](#) 52. [Sixty-Day](#) extension to the existing purchasing agreement with NAPA Auto Parts. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1937](#) 53. [Authorizing](#) the City Manager to negotiate a development agreement based on preliminary terms with Merge Urban Development and Drake University for the construction of \$25 million, 108,000-square-foot mixed-use development at the southeast corner of 25<sup>th</sup> Street and Carpenter Avenue across from Drake University. ([Council Communication No. 21-563](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

- [21-1938](#) 54. **Directing** City Manager to negotiate an amendment of the 28E Agreement for construction and funding of Fleur Drive Underpass between Des Moines Water Works and Des Moines Water Works Park Foundation and City of Des Moines regarding amount of foundation funding thereafter. ([Council Communication No. 21-553](#)) **Moved by Mandelbaum to adopt; with the stipulations that fundraising is ongoing, the City’s commitment is up to \$540,000, and to resolve the sound issues. Motion Carried 7-0.**
- [21-1939](#) 55. **28E** Agreement with Iowa Department of Agriculture and Land Stewardship – Division of Soil Conservation and Water Quality, Polk County, and Des Moines Water Works to provide funding for the Central Iowa Cover Crop Seeder Project in an amount not to exceed \$75,000. ([Council Communication No. 21-538](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1940](#) 56. **Execution** of an agreement with Iowa Department of Natural Resources for the Federal Land and Water Conservation Fund Program for Chesterfield Park Development. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1941](#) 57. **Agreement** with Open Contract Partnership for Lift Funding for 2021 Electronic Government Procurement System. ([Council Communication No. 21-551](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1942](#) 58. **Intergovernmental** Transfer of Public Funds pursuant to agreement with Iowa Department of Human Services (DHS). ([Council Communication No. 21-556](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1943](#) 59. **Support** for new terminal for the Des Moines International Airport. ([Council Communication No. 21-541](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1944](#) 60. **Membership** with the Mid-Iowa Planning Alliance (MIPA) for Community Development. ([Council Communication No. 21-576](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1945](#) 61. **Temporarily** closing a portion of a Multi-Use Recreational Trail between SW 11<sup>th</sup> and SW 12<sup>th</sup> near Tuttle Street (“Trail”) during the construction of the Slate at Gray’s Landing at 400 SW 11<sup>th</sup> Street from December 20, 2021 until September 1, 2022. **Moved by Boesen to adopt. Motion Carried 7-0.**
62. Abatement of public nuisances as follows:
- [21-1946](#) (A) **2215** High Street. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1947](#) (B) **323** E. Jackson Avenue. **Moved by Boesen to adopt. Motion Carried 7-0.**

[21-1948](#)

62I. [Beaverdale](#) Farmers Market at the Franklin Jr. High for 2022. **Moved by Boesen to adopt and APPROVE Developer’s request to operate the outdoor special event, Beaverdale Farmers Market, as follows:**

- a. **The Beaverdale Farmers Market may occur only once per week, on Tuesdays, between the hours of 4:00 p.m. to 7:00 p.m. beginning May 31, 2022 until September 13, 2022.**
- b. **Developer and the owner/operator of the Beaverdale Farmers Market shall require vendors and attendees to comply with any future Mayor proclamation relating to prevention of spread of COVID- 19.**
- c. **Amplified speech or music is allowed with a type "B" parks permit that limits the amplified sound to 65 dBCs and no additional signage.**

**Motion Carried 7-0.**

[21-1949](#)

63. [City](#) Street Financial Report to the Iowa Department of Transportation (IDOT) for fiscal year 2021. ([Council Communication No. 21-539](#)) **Moved by Boesen to adopt. Motion Carried 7-0**

64. Purchases from the following:

[21-1950](#)

(A) [OneNeck](#) (Terry Swanson, President and CEO) for Hewlett-Packard (HP) DL380 server hardware per State of Iowa Contract for use by the Information Technology Department, \$116,612.66. ([Council Communication No. 21-554](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

[21-1951](#)

(B) [Norstan](#) Communications, Inc. d/b/a Black Box Network Services for telephone hardware and support services for Siemen’s telephone equipment utilizing the 2021 Master Order Agreement for use by the Information Technology Department, \$58,001.40. ([Council Communication No. 21-555](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

[21-1952](#)

65. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of December 20 and 27, 2021 and January 3, 2022; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of December 20 and 27, 2021 and January 3, 2022; to draw checks for biweekly payroll due December 30, 2021. **Moved by Boesen to adopt. Motion Carried 7-0.**

## ORDINANCES - SECOND CONSIDERATION

[21-1953](#)

66. [Amending](#) Chapter 114 of the Municipal Code to facilitate the use of multi-space parking meters. **Moved by Boesen that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[21-1954](#)

67. [Amending](#) Sections 2-1176 and 2-1177, relating to the creation, composition, appointment and powers and duties of the Youth Advisory Board. **Moved by Boesen that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

**HEARINGS (OPEN AT 5:14 P.M.) (ITEMS 68 THRU 80)**

68. Items related to proposed Genesis Health Club Sports Complex:

[21-1955](#)

- (A) **On** appeal by Genesis Health Club Sports Complex SE, LLC of denial of Type 2 Design Alternatives for Site Plan located at 1111 East Army Post Road. **Moved by Gatto to APPROVE the proposed Type 2 Design Alternatives in form requested by Genesis and described above, and to make the following findings of fact in support of approval of the proposed Type 2 Design Alternatives:**
- a. **Municipal Code Section 135-9.2.2.B.1 provides that design alternatives are intended to allow for relief from the Planning and Design Ordinance when "specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable."**
  - b. **The existing building on the Property is set at a significant distance from the Southeast 14th Street and Army Post Road primary street frontages, and the existing parking lot is approximately 325 feet from Southeast 14th Street and 550 feet from Army Post Road.**
  - c. **Existing buildings and lots that front Southeast 14th Street and Army Post Road provide buffers between the primary street frontage and the Property and its parking lot.**
  - d. **The proposed Type 2 design alternative allows a continuation of existing landscaping elements, which will not increase or create new adverse impact on the adjacent properties.**
  - e. **The above-stated facts specific to the Property reduce the aesthetic concerns and need to screen the existing parking lot from the Southeast 14' Street frontage which are typically addressed through landscaping requirements.**
  - f. **Genesis, by amendment to its existing development agreement, is committing to provide additional subsidized sports memberships in the approximate value of the landscape improvements being waived through the Type 2 Design Alternatives.**
  - g. **Genesis has met the burden required to demonstrate that the requested design alternatives meet the criteria for approval and that the result of the design alternatives would equal or exceed the result of strict compliance with Section 135-7.9.2 of the Planning and Design Ordinance.**
  - h. **Genesis has shown that the requested design alternatives are consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.**
  - i. **Genesis has shown that the requested design alternatives will not have a substantial or undue adverse effect on the public health, safety, and general welfare.**
  - j. **Said Type 2 Design Alternatives, in form requested by Genesis, should be approved for the abovestated reasons and incorporated into the approved Site Plan for the Property.**

**Motion Carried 4-3. Nays: Cownie, Boesen and Mandelbaum.**

[21-1956](#)

- (B) [Second](#) Amendment to Amended and Restated Urban Renewal Development Agreement with Macerich Southridge Mall, LLC, The Macerich Partnership, LP, and Genesis Health Club Sports Complex S.E., LLC, for the redevelopment and repurposing of Southridge Mall to include a Genesis Health Club and Multi-Sports Facility. ([Council Communication No. 21-562](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1957](#)

- (C) [Consent](#) to Assignment and Assumption of Amended and Restated Urban Renewal Development Agreement with Macerich Southridge Mall, LLC, the Macerich Partnership, LP, and Genesis Health Club Sports Complex S.E., LLC, approving amendment to Conceptual Development Plan for redevelopment and repurposing of Southridge Mall to include a Genesis Health Club and Multi-Sports Facility. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1958](#)

69. [On](#) request from CFD Properties, LLC to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 2300 East 14<sup>th</sup> Street from Neighborhood Mixed Use and Low-Medium Density to Industrial and to rezone said property from MX1 Mixed Use District to I1 Industrial District to allow use that includes outdoor storage, (Plan and Zoning Commission recommends denial) **MOVED by Westergaard 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 Industrial and proposed rezoning of the Property to 'II' Industrial District, to allow a use that includes outdoor storage.**
  - b. **The current PlanDSM: Creating Our Tomorrow Plan future land use designation of the Property is Neighborhood Mixed Use and Low-Medium Density, and current zoning designation is 'MX1' Mixed Use District, which provides for low and low-medium housing with limited supporting commercial uses.**
  - c. **In accordance with the adoption of PlanDSM, the area in which the Property is located is intended to accommodate small commercial uses that support the surrounding area, which are primarily uses that are completely contained inside of the building that houses the business use, rather than industrial uses that are accompanied by outdoor storage.**
  - d. **The Property is located in a small cluster of commercial uses located that include a laundromat and a medical clinic. These are in a larger neighborhood and area that contains single-household uses and church 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 to allow for industrial character use would not be consistent with the intent of the PlanDSM comprehensive plan for the subject neighborhood/area or with uses already found there.**

- f. **If the proposed amendment to the PlanDSM future land use designation of the Property to Industrial is not approved, then the proposed rezoning to II Industrial District is inapplicable due to non-conformance with the PlanDSM designation of Neighborhood Mixed Use and Low-Medium Residential.**
- 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.**

- [21-1959](#) 70. **On** conveyance of a permanent easement for water main right-of-way in property located south of and adjoining Observatory Road to Des Moines Water Works. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [21-1960](#) 71. **On** conveyance of City-owned property at SE 43<sup>rd</sup> and Vandalia Road to Crossroads Cold Storage, LLC (C.J. Morton, Officer) for \$416,020. ([Council Communication No. 21-568](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1961](#) 72. **On** correcting the vacation of the north-south alley right-of-way located west of and adjoining 1010 13<sup>th</sup> Street and to issue a corrected quit claim deed to JOPPA Cheatom Park, LLC. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
  - (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
  - (B) **Final** consideration of ordinance above (waiver requested by City Manager), requires six votes. **Moved by Mandelbaum that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, # 16,087. Motion Carried 7-0.**
- [21-1964](#) 73. **On** request from Knapp Homes, LLC to rezone property locally known as 4402 Douglas Avenue from MX1 Mixed Use District to MX3 Mixed Use District to allow development of a restaurant with a drive-through use, subject to conditions. **Moved by Gray to approve. Motion Carried 7-0.**
  - (A) **First** consideration of ordinance above. **Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
  - (B) **Final** consideration of ordinance above, 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, # 16,088. Motion Carried 7-0.**

- [21-1967](#) 74. **On** City-initiated request to amend PlanDSM: Creating Our Tomorrow future land use designation for real property generally located along East 21<sup>st</sup> Street and Tichenor Street between Guthrie Avenue to the north and Interstate 235 (Freeway) to the south from Industrial to Low Density Residential and to allow rezoning the property from I1 Industrial District to N3a Neighborhood District. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [21-1968](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [21-1969](#) (B) **Final** consideration of ordinance above (waiver request by Erin Olson-Douglas, Development Services 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, # [16,089](#). Motion Carried 7-0.**
- [21-1970](#) 75. **On** City-initiated request to amend PlanDSM: Creating Our Tomorrow future land use designation for property generally located in the area bounded by East University Avenue to the north, Interstate 235 (Freeway) to the east and south, and East 15<sup>th</sup> Street to the west except parcels fronting along East University Avenue from Business Park Use to Low Density Residential and to allow rezoning from EX Mixed Use District to NX1 Neighborhood Mix District. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [21-1971](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [21-1972](#) (B) **Final** consideration of ordinance above (waiver request by Erin Olson-Douglas, Development Services 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, # [16,090](#). Motion Carried 7-0.**
- [21-1973](#) 76. **On** a lease agreement with Power Boat Club on the River, Inc. for a portion of excess City property located on the north bank of the Des Moines River locally known as District/Parcel 070/02223-003-000. ([Council Communication No. 21-552](#)) **Moved by Westergaard to adopt. Motion Carried 6-1. Nays: Mandelbaum.**
- [21-1974](#) 77. **2<sup>nd</sup>** Avenue and Hull Avenue Traffic Signal Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, receive and files bids, and designating lowest responsible bidder as Iowa Signal, Inc., (Wayne Lesley, President), \$166,902.84. ([Council Communication No. 21-569](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**

- [21-1975](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [21-1976](#) 78. [E. 30<sup>th</sup> Street and E. University Avenue Intersection Improvements](#): Resolution approving plans and specifications, form of contract documents, Engineer’s estimate, receive and file bids, and designating the lowest responsible bidder as Grimes Asphalt and Paving Corporation, (Timothy Mallicoat, President), \$719,066.06. ([Council Communication No. 21-560](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [21-1977](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [21-1978](#) 79. [5<sup>th</sup> Avenue and Grand Avenue One-Way to Two-Way Conversion](#): 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), \$2,189,218.00. ([Council Communication No. 21-559](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [21-1979](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [21-1980](#) 80. [Intelligent Transportation System \(ITS\) Phase 2](#): Resolution approving plans and specifications, form of contract documents, Engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Iowa Signal, Inc., (Wayne Lesley, President), \$1,317,344.90. ([Council Communication No. 21-572](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [21-1981](#) (A) [Approving](#) contract and bond and permission of sublet. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [21-1982](#) 81. [On proposed amendments to the City Precinct and Ward Boundaries and approving the same, and approving agreements with Polk County, Warren County and the City of Norwalk, for combined precincts.](#) **Moved by Boesen to adopt. Motion Carried 6-1. Nays: Cownie.**
- [21-1983](#) (A) [Amending](#) the Municipal Code regarding City Precincts. **Moved by Boesen that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Cownie.**
- [21-1984](#) (1) [Final](#) consideration of ordinance above (To meet statutory guidelines and avoid additional special city council meetings to adopt the ordinance, waiver of readings and consideration is requested by the City Manager), requires six votes. **Moved by Boesen that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, # [16,091](#). Motion Carried 6-1. Nays: Cownie.**

[21-1985](#)

- (B) [Amending](#) the Municipal Code regarding Ward Boundaries. **Moved by Boesen that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Cownie.**

[21-1986](#)

- (1) [Final](#) consideration of ordinance above (To meet statutory guidelines and avoid additional special city council meetings to adopt the ordinance, waiver of readings and consideration is requested by the City Manager), requires six votes. **Moved by Boesen that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, # [16,092](#). Motion Carried 6-1. Nays: Cownie.**

\*\*\*\* END OF HEARINGS 6:02 P.M. \*\*\*\*

#### ORDINANCES - FIRST CONSIDERATION

[21-1987](#)

82. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation changes as follows: ([Council Communication No. 21-540](#)) **Moved by Boesen that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (A) Traffic control modification – Illinois Street and Indiana Avenue.  
(B) Parking modification – Accessible parking space on Maple Street between E 18<sup>th</sup> Street and 19<sup>th</sup> Street.  
(C) Code correction – Traffic Control at Ankeny Avenue and E 22<sup>nd</sup> Street.  
(D) Code correction – Accessible parking space on E Glenwood Drive between SE 14<sup>th</sup> Street and SE 17<sup>th</sup> Street.  
(E) Code change to match field conditions and remove loading zone on the north side of Walnut Street between 14<sup>th</sup> Street and 15<sup>th</sup> Street.

[21-1988](#)

- (F) Final consideration of ordinance above, requires six votes. **Moved by Boesen that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, # [16,093](#). Motion Carried 7-0.**

[21-1989](#)

83. [Amending](#) Section 135-8.3.2, relating to relating to stormwater management. **Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[21-1990](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Erin Olson-Douglas, Development Services Department Director), 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, # [16,094](#). Motion Carried 7-0.

[21-1991](#)

- (B) [Receive](#) and file communications from Plan and Zoning Commission. **Moved by Gray to receive and file the communication from the Plan and Zoning Commission. Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

[21-1992](#)

84. [Requests](#) to speak as follows: **Moved by Boesen to receive and file. Motion Carried 7-0.**

- (A) Carol Maher. Did not speak.
- (B) Adam Callanan.
- (C) Denver Foote. Did not speak.
- (D) Jolene Prescott.

[21-1993](#)

MOTION TO ADJOURN. **Moved by Gray to adjourn at 7:05PM. Motion Carried 7-0.**

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