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 '22-' 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

January 10, 2022
5:00 P.M.

Reception 4:15-4:45 PM
Great Hall, 2nd Floor

Connie Boesen, Council Member At-Large
Indira Sheumaker, Council Member Ward I
Josh Mandelbaum, Council Member Ward III

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.

Swearing in Ceremony 4:45 P.M.

PROCLAMATION

Human Trafficking Prevention and Awareness Month

22-0001  1. ROLL CALL: Present: Cownie, Boesen, Gatto, Sheumaker, Mandelbaum, Voss and Westergaard. Councilman Gatto participated in the meeting by telephone.
I. Reappointment of the following:

22-0002 (A) City Manager. Moved by Boesen to adopt. Motion Carried 6-1. Nays: Sheumaker.

22-0003 (B) City Attorney. Moved by Boesen to adopt. Motion Carried 6-1. Nays: Sheumaker.

22-0004 (C) City Clerk. Moved by Boesen to adopt. Motion Carried 6-1. Nays: Sheumaker.

22-0005 (D) Chief Deputy City Clerk and Deputy Clerk. Moved by Boesen to adopt. Motion Carried 6-1. Nays: Sheumaker.

22-0006 (E) Chief Deputy City Attorney, Deputy City Attorneys and Assistant Attorneys. Moved by Boesen to adopt. Motion Carried 6-1. Nays: Sheumaker.

22-0007 II. Recommendation of Mayor Cownie for appointment of Josh Mandelbaum as Mayor Pro Tem for Calendar Year 2022. Moved by Boesen to adopt. Motion Carried 7-0.

22-0008 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Voss to adopt. Motion Carried 7-0.

22-0009 3. APPROVING CONSENT AGENDA * – items 3 through 43: Moved by Boesen to adopt the balance of the consent agenda. Motion Carried 7-0. Motion by Sheumaker to allow the public to speak on items 26, 38 and 39. Motion failed 2-5. Nays: Cownie, Boesen, Gatto, Westergaard and Voss.

*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

22-0010 4. Approving Alcoholic Beverage License Applications for the following: Moved by Boesen to adopt. Motion Carried 7-0.

   NEW APPLICATION
   (A) STAYBRIDGE SUITES 201 E LOCUST ST Class C Beer

   RENEWAL APPLICATIONS
   (B) ALBA RESTAURANT 519 DES MOINES ST Class C Liquor
   (C) BAILEYS PUB N GRUB 918 E EUCLID AVE Class C Liquor
   (D) CASEYS GENERAL STORE #2322 4331 PARK AVE Class C Beer
   (E) CASEYS GENERAL STORE #2641 2849 E EUCLID AVE Class C Beer
   (F) CASEYS GENERAL STORE #2786 5150 E 14TH ST Class E Liquor
   (G) CHRISTOPHERS DINING ROOM 2816 BEAVER AVE Class C Liquor
   (H) CINCO ESTRELLAS BAR & GRILL 1833 HUBBELL AVE Class C Liquor
   (I) EASTGATE LAUNDROMAT 1424 E OVID AVE Class B Beer
   (J) FAREWAY STORE #183 4313 FLEUR DR Class E Liquor
   (K) GARDEN NIGHTCLUB 525 E GRAND AVE Class C Liquor
   (L) GIT N GO STORE #32 2911 DOUGLAS AVE Class C Beer
(M) GIT N GO STORE #24 1142 42ND ST Class C Beer
(N) GIT N GO STORE #27 1240 KEOSAUQUA WAY Class C Beer
(O) HIGHLAND PARK POST NO 374 3712 2ND AVE Class A Liquor
(P) HY VEE FOOD STORE #1 3330 MLK JR PKWY Class E Liquor
(Q) JIFFY #924 3718 SW 9TH ST Class C Beer
(R) KUM & GO #573 5830 SE 14TH ST Class E Liquor
(S) SHOP N SAVE #2 1372 E 14TH ST Class E Liquor
(T) TARGET STORE T2041 5901 DOUGLAS AVE Class E Liquor
(U) UNIVERSITY LIBRARY CAFE 3506 UNIVERSITY AVE Class C Liquor
(V) WEST END WINES 22 9TH ST Class C Liquor

22-0011 5. City Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. Moved by Boesen to adopt. Motion Carried 6-1. Nays: Cownie.

22-0012 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:

22-0013  (A) Observatory Road Reconstruction from Polk Blvd West to Parking Lot: Receiving of bids, (1-25-22) and Setting date of hearing, (2-21-22), Engineer’s estimate, $524,000. (Council Communication No. 22-010) Moved by Boesen to adopt. Motion Carried 7-0.

22-0014  (B) Neal Smith Trail Rehabilitation – Euclid Avenue to Saylor Creek Bridge: Receiving of bids, (1-25-22) and Setting date of hearing, (2-21-22), Engineer’s estimate, $821,000. (Council Communication No. 22-009) Moved by Boesen to adopt. Motion Carried 7-0.

22-0015  (C) Des Moines Levee Alterations – Phase C: Receiving of bids, (2-8-22), and Setting date of hearing, (3-7-22), Engineer’s estimate, $14,200,000. (Council Communication No. 22-012) Moved by Boesen to adopt. Motion Carried 7-0.

22-0016  (D) Animal Control Facility Bid Package No. 1 – Structural Steel and Erection: Receiving of bids, (2-1-22), and Setting date of hearing, (2-21-22), Engineer’s estimate, $455,000. (Council Communication No. 22-008) Moved by Boesen to adopt. Motion Carried 7-0.

22-0017 8. Approving Professional Services Agreement (PSA) with Olsson, Inc. for traffic engineering services for the Traffic Signal System Timing Updates – Phase 4, not to exceed $284,051.44. (Council Communication No. 22-011) Moved by Boesen to adopt. Motion Carried 7-0.
9. **Approving** Private Construction Contract between Vanderpool Construction, Inc. and MidState Properties, LLC for Storm Sewer Improvements in 1929 SE 14th Court. **Moved by Boesen to adopt. Motion Carried 7-0.**

10. Approving completion and acceptance of Private Construction Contracts:

   (A) **Storm** Sewer Improvements in the Woods of Copper Creek Plat 3 between Team Excavating, Inc. and HDR Land Development, LLC. **Moved by Boesen to adopt. Motion Carried 7-0.**

   (B) **Storm** Sewer Improvements in 2650 University Avenue between Corell Contractor, Inc. and Hotel Francis, LLC. **Moved by Boesen to adopt. Motion Carried 7-0.**

   (C) **Storm** Sewer Improvements in 401 SE 6th Street between Corell Contractor, Inc. and Connolly Lofts Associates, LP. **Moved by Boesen to adopt. Motion Carried 7-0.**

11. **Communication** from contractors requesting permission to sublet certain items on public improvement project. **Moved by Boesen to adopt. Motion Carried 7-0.**

12. Accepting completed construction and approving final payment for the following:

   (A) **Meredith** Trail Bank Repair Near SW 7th Street, RW Excavating Solutions, LC. **Moved by Boesen to adopt. Motion Carried 7-0.**

   (B) **Euclid** Avenue Three Lane Pilot Project-2nd Avenue to 12th Street, Van Maanen Electric, Inc. **Moved by Boesen to adopt. Motion Carried 7-0.**

   (C) **Glendale** Cemetery Road Reconstruction Phase 3, Hawkeye Paving Corporation. **Moved by Boesen to adopt. Motion Carried 7-0.**

**LAND/PROPERTY TRANSACTIONS**

13. **Acquisition** of the necessary property interests for the Easton Boulevard Reconstruction – E. 33rd Street to Fourmile Creek Project. (Council Communication No. 22-006) **Moved by Boesen to adopt. Motion Carried 7-0.**

14. **Partially** releasing Letter of Credit Surety for Parkside Estates Plat 1. **Moved by Boesen to adopt. Motion Carried 7-0.**
BOARDS/COMMISSIONS/NEIGHBORHOODS

22-0028 15. Communication from Carole Jones advising of her resignation from the Housing Appeals Board, Seat 7, effective immediately. Moved by Boesen to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.

22-0029 16. Communication from Jake Grothoff advising of his resignation from the Greater Des Moines Sister Cities Commission, Seat 3, effective immediately. Moved by Boesen to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.

22-0030 17. Communication from Jared Morford advising of his resignation from the Transportation Safety Committee, Seat 7, effective immediately. Moved by Boesen to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.

22-0031 18. Communication from Steve Wallace advising of his resignation from the Plan and Zoning Commission, Seat 10, effective immediately. Moved by Boesen to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.

22-0032 19. Recommendation from Council Member Westergaard to appoint Andrew Lorentzen to the Plan and Zoning Commission, Seat 10, to fill vacancy with a term expiring July 5, 2024. Moved by Boesen to adopt. Motion Carried 7-0.

22-0033 20. Appointing Mayor T.M. Franklin Cownie, Ward III Council Member Josh Mandelbaum, and Ward I Council Member Indira Sheumaker to the Homeless Coordinating Council (HCC). Moved by Boesen to adopt. Motion Carried 7-0.

22-0034 21. Appointments for Calendar Year 2022 to the Metropolitan Planning Organization (MPO), MPO Executive Committee and the Transportation Technical Committee (TTC). Moved by Boesen to adopt. Motion Carried 7-0.

22-0035 22. Appointing Carl Voss to the Des Moines Arts Festival Board of Directors. Moved by Boesen to adopt. Motion Carried 7-0.

22-0036 23. Appointing Joe Gatto as the Primary and Indira Sheumaker as the Alternate Members to the Metro Waste Authority (MWA) for the calendar year of 2022. Moved by Boesen to adopt. Motion Carried 7-0.

22-0037 24. Appointing Linda Westergaard as primary member to the Neighborhood Finance Corporation (NFC) Board of Directors. Moved by Boesen to adopt. Motion Carried 7-0.

22-0038 25. Appointing Council Member Indira Sheumaker to the IMPACT Community Action Partnership. Moved by Boesen to adopt. Motion Carried 7-0.
COMMUNICATIONS FROM PLANNING AND ZONING

22-0039  26. **Regarding** City-initiated request for vacation of a remaining east-to-west alley segment to the west of 6th Avenue in the block between Walnut Street and Mulberry Street. **Moved by Mandelbaum to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 6-1. Nays: Sheumaker.**

SETTING DATE OF HEARINGS

22-0040  27. **On** request from Drake University for review and approval of an amendment to the “University Square” Legacy Planned Unit Development and rezoning for property at 1236 24th Street, to remove approximately 0.56 acres to be rezoned to MX2 Mixed Use District to allow development of a mixed-use project including residential and commercial uses, (1-24-22). **Moved by Boesen to adopt. Motion Carried 7-0.**

22-0041  28. **To** correct the vacation of a portion of Cohen Park located north of and adjoining 1106 Scott Avenue and to issue a corrected quit claim deed to Des Moines Climate Controlled Self Storage, LLC, (1-24-22). **Moved by Boesen to adopt. Motion Carried 7-0.**

22-0042  29. **On** appeal by Shelden Holdings, LLC of denial of Type 2 Design Alternative for Site Plan for property located at 2551 Douglas Avenue, (1-24-22). **Moved by Boesen to adopt. Motion Carried 7-0.**

22-0043  30. **On** appeal from Glad Tidings Assembly of God Church (Owner), represented by Bill Wenig, (Officer), on denial of a Type 2 Design Alternative for Site Plan for property located at 2145 East Army Post Road, (1-24-22). **Moved by Boesen to adopt. Motion Carried 7-0.**

APPROVING

22-0044  31. **Issuance** of Certificate of Completion to Stapek Partners, LLC (Tim Rypma) for historic renovation of existing commercial building located at 112 SE 4th Street. **Moved by Boesen to adopt. Motion Carried 7-0.**

22-0045  32. **Issuance** of Certificate of Completion to Des Moines Cold Storage Company, Inc. and Crossroads Cold Storage, LLC (C.J. Morton) a 112,000 square-foot Office/Warehouse located at SE 43rd and Vandalia Road. **Moved by Boesen to adopt. Motion Carried 7-0.**

22-0046  33. **Issuance** of Certificate of Completion for JR Partners, LLC for the historic renovation of 401 East Court Avenue. **Moved by Boesen to adopt. Motion Carried 7-0.**

22-0047  34. **Second** renewal agreement to License Agreement with Islamic Center of Des Moines for use of a portion of Glendale Cemetery to bury deceased members of Islamic Faith. (Council Communication No. 22-002) **Moved by Sheumaker to adopt. Motion Carried 7-0.**
35. Communication of fire escrow at the following locations:

22-0048  
(A) 1513 E. 23rd Street. Moved by Boesen to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of notice received on November 15, 2021, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.

22-0049  
(B) 1738 Evergreen Avenue. Moved by Boesen to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of notice received on December 3, 2021, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.

22-0050  
(C) 2301 Forest Avenue. Moved by Boesen to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of notice received on November 3, 2021, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.

22-0051  
(D) 729 Boyd Street. Moved by Boesen to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of notice received on October 6, 2021, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.

22-0052  
36. Release of fire escrow at 1662 Northwest Drive. Moved by Boesen to adopt. Motion Carried 7-0.

37. Abatement of public nuisances as follows:

22-0053  
(A) 125 SE 18th St. Moved by Boesen to adopt. Motion Carried 7-0.

22-0054  
(B) 5902 Hickman Road. Moved by Boesen to adopt. Motion Carried 7-0.

22-0055  
38. Purchase of a remote-operated explosive ordnance robot system for use by the statewide certified Explosive Ordnance Detection (EOD) teams from Safeware Inc. with the 2021 Homeland Security Explosive Ordnance Device Grant. (Council Communication No. 22-004) Moved by Boesen to adopt. Motion Carried 6-1. Nays: Sheumaker.

22-0056  
39. Purchase of two (2) ruggedized portable digital imaging systems for statewide Explosive Ordnance Detection (EOD) teams from Scanna MSC, Inc. with 2021 Homeland Security Explosive Ordnance Grant. (Council Communication No. 22-005) Moved by Gatto to adopt. Motion Carried 6-1. Nays: Sheumaker.

22-0057  
40. Purchase from B & G Construction (Gary Bowen, Owner) for an annual contract with five (5) additional one year renewal options to furnish board-up services for vacant and abandoned houses. (Eight potential bidders, one bid received). (Council Communication No. 22-001) Moved by Boesen to adopt. Motion Carried 7-0.
41. **Authorizing** Finance Director to draw checks on *registers* for the weeks of January 10 and 17, 2022; to draw checks for the *bills* of the Des Moines Municipal Housing Agency for the weeks of January 10 and 17, 2022; to draw checks for biweekly payroll due January 14, 2022.  
*Moved by Boesen to adopt.  Motion Carried 7-0.*

### ORDINANCES - FINAL CONSIDERATION

42. **Amending** Chapter 114 of the Municipal Code to facilitate the use of multi-space parking meters.  
*Moved by Boesen that this ordinance do now pass, [#16,095](#).  Motion Carried 7-0.*

43. **Amending** Sections 2-1176 and 2-1177, relating to the creation, composition, appointment and powers and duties of the Youth Advisory Board.  
*Moved by Sheumaker to continue to the January 24, 2022 Council Meeting to allow Legal to draft changes to Section 2-1177 adding Council response to recommendations made.  Motion Carried 7-0.*

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

### HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 44 THRU 47)

44. Regarding items related to EMC Lease Agreement as follows:

(A) **Public** hearing on the proposition to authorize a lease with Employers Mutual Casualty Company (EMC) for the lease of real estate and park improvements at located at 701 Walnut Street for use by the Parks and Recreation Department as a public park.  
* (Council Communication No. 22-003)  Moved by Mandelbaum to adopt.  Motion Carried 6-1.  Nays: Sheumaker.*

(B) **Approving** form and authorizing execution of the lease agreement.  
*Moved by Mandelbaum to adopt.  Motion Carried 6-1.  Nays: Sheumaker.*

45. **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.  
*Moved by Mandelbaum to adopt.  Motion Carried 7-0.*
22-0064  (A) **First** consideration of ordinance above. Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

22-0065  (B) **Final** consideration of ordinance above (waiver requested by Cindy McCauley, VP Admin Services, EMC), 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, #16,096. Motion Carried 6-1. Nays: Sheumaker.

22-0066  46. **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 allow rezoning and Group Living use of the Property for expansion of an existing outpatient rehabilitation facility and provision of overnight stay accommodations for patients. Moved by Westergaard to adopt. Motion Carried 7-0.

22-0067  (A) **First** consideration of ordinance above. Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

22-0068  (B) **Final** consideration of ordinance above (waiver requested by Michelle De La Riva, Executive 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, #16,097. Motion Carried 6-1. Nays: Gatto.

22-0069  47. **On** 2022 PCC Pavement Patching Program: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsible bidder as TK Concrete, Inc. (Tony J. Ver Meer, President), $924,675. (Council Communication No. 22-007) Moved by Voss to adopt. Motion Carried 7-0.

22-0070  (A) **Approval** of contract and bond and permission to sublet. Moved by Voss to adopt. Motion Carried 7-0.

**** END OF HEARINGS 6:07 P.M.****
48. Requests to speak as follows: Moved by Boesen to receive and file. Motion Carried 7-0.

   (A) Adam Callanan.
   (B) Taylor Webber.
   (C) Bridget Pedersen.
   (D) Jolene Prescott.
   (E) John Noble.
   (F) Natalie Harwood.

MOTION TO ADJOURN. Moved by Cownie to adjourn at 6:52 PM. Motion Carried 7-0.

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