



***** 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 '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

February 21, 2022

5:00 P.M.

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.

SPECIAL PRESENTATIONS (4:45 P.M)

Polk County/Prairie Meadows annual check presentation.

PROCLAMATIONS (4:55 P.M.)

Olmsted 200 Week

[22-0212](#)

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

[22-0213](#)

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

[22-0214](#)

- 3. APPROVING CONSENT AGENDA * – items 3 through 35: **Moved by Gatto to adopt the balance of the consent agenda. Second by Boesen. Motion Carried 7-0.**

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless pursuant to Council rules, Council requests an item be removed to be considered separately.**

LICENSES AND PERMITS

[22-0215](#)

- 4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt. Second by Boesen. Council Member Gatto declares a conflict of interest and abstains from voting on item C. Motion Carried 7-0.**

RENEWAL APPLICATIONS

(A) ALL PHO YOU	4120 UNIVERSITY	Class B Beer
(B) ANNIES IRISH PUB	204 3RD ST	Class C Liquor
*(C) BARATTAS RESTAURANT	7401 SW 9TH ST	Class C Liquor
(D) CENTRAL CITY LIQUOR	1460 2ND AVE	Class E Liquor
(E) CURBIN CUISINE	2713 BEAVER	Special Class C
(F) DC MISFITS	607 SE 30TH ST	Class C Liquor
(G) DELMONICO	2801 FLEUR	Class C Liquor
(H) EAST END LIQUOR	3804 HUBBELL	Class E Liquor
(I) ERNIES BOONDOCK	440 E GRAND AVE	Class C Liquor
(J) GATEWAY MARKET MLK	2002 WOODLAND	Class C Liquor
(K) GIT N GO STORE #28	3274 E UNIVERSITY	Class C Beer
(L) GOPUFF	1510 OHIO ST	Class C Beer
(M) H & A MINI MART	5901 FLEUR DR	Class E Liquor
(N) HAMPTON INN	5001 FLEUR DR	Class C Beer

- [22-0222](#) 10. [Approval](#) of first amendment to the agreement with Des Moines Airport Authority regarding Iowa Department of Transportation (IDOT) Revitalize Iowa’s Sound Economy (RISE) grant to the Des Moines Airport Authority for the Cowles Drive Reconstruction Program (Phase 2 and 3) at the Des Moines International Airport and approval of Private Construction Contract between Des Moines Airport Authority and Elder Corporation for installation of sanitary sewer and curb and gutter replacement along Fleur Drive. ([Council Communication No. 22-054](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0223](#) 11. [Communication](#) from contractors requesting permission to sublet certain items on public improvement project. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0224](#) 12. [Directing](#) City Staff to remove the proposed realignment of the east leg of Clark Street at the intersection of 2nd Avenue and the associated proposed left turn lanes on 2nd Avenue at the intersection with Clark Street from the approved concept plan developed for the 2nd Avenue Reconstruction from University to the Des Moines River project. **Moved by Sheumaker to withdraw this item. Second by Gatto. Motion Carried 7-0.**
13. Accepting completed construction and approving final payment for the following:
- [22-0225](#) (A) [Hubbell](#) Avenue Reconstruction from Euclid to East of E. 38th Street, Corell Contractor, Inc. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0226](#) (B) [Franklin](#) Avenue Resurfacing from 48th Street to Merle Hay Road, InRoads, LLC. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0227](#) (C) [2021](#) Bridge and Culvert Repair, Minturn Inc. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [22-0228](#) 14. [Authorization](#) to proceed with acquisition of the necessary property interests for the New York Avenue from 44th Street to 45th Street Reconstruction Project. ([Council Communication No. 22-051](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0229](#) 15. [Approving](#) 155 tax abatement applications for the additional value added by improvements completed during 2021. ([Council Communication No. 22-064](#)) **Moved by Gatto to adopt and approve the timely and the late filed applications for the total number of years in the applicable exemption schedule, with the schedule to commence with the taxes payable in FY2022/23. Second by Boesen. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [22-0230](#) 16. [Communication](#) from Melvin Shivvers advising of his resignation from the Building and Fire Code Board of Appeals, Seat 1, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Second by Boesen. Motion Carried 7-0.**
- [22-0231](#) 17. [Communication](#) from Randy Brown advising of his resignation from the Power Engineers Examining Board, Seat 2, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Second by Boesen. Motion Carried 7-0.**
- [22-0232](#) 17-I [Communication](#) from Martie Mendenhall advising of his resignation from the Building and Fire Code Board of Appeals, Seat 6, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Second by Boesen. Motion Carried 7-0.**
- [22-0233](#) 18. [Recommendation](#) from Council Member Voss to appoint Kameron Middlebrooks, replacing Kevin Patrick, as his appointee to the Community Policing and Code Enforcement Policy and Practice Review Committee. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [22-0234](#) 19. [Regarding](#) request from Landmark, LP for vacation of portions of Locust Street and 7th Street right-of-way adjoining 700 Locust Street to allow the right-of-way to be assembled with adjoining parcel due to the discovery of an encroachment of the existing building onto said right-of-way. **Moved by Gatto and seconded by Boesen 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

- [22-0235](#) 20. [On](#) intent to commence a public improvement project to construct the Watrous Avenue from SW 56th Street to SW 61st Street Project and to authorize acquisition of the necessary property interests, (3-7-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0236](#) 21. [To](#) correct the vacation of portions of Southeast 4th Street right-of-way located between vacated East Elm Street and East Martin Luther King, Jr. Parkway for the Market District Redevelopment Project, (3-7-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

- [22-0237](#) 22. [On](#) conveyance of excess City-owned property located in the Fourmile Creek Floodplain to Polk County for the use and benefit of the Polk County Conservation Board for the Lower Fourmile Creek Greenway Project, (3-7-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0238](#) 23. [On](#) request from 205 Land Investments, LLC to rezone property located at 1106 Army Post Road from RX1 Mixed Used District to MX1 Mixed Used District to address the subject property’s current legal non-conforming use status as a Restaurant use with alcohol sales located within the 75 feet of the required separation distance from a parcel containing a Place of Worship use, (3-7-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0239](#) 24. [On](#) the 2021 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER), (3-21-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0240](#) 25. [On](#) request from Eastgate Plaza, LLC for approval of a proposed 7th amendment to the Eastgate Plaza PUD Conceptual Plan on property located in the vicinity of 1534 East Euclid Avenue to allow a 1.28-acre interior portion of the Property to be developed with a 7,145 square-foot medical office building, (3-7-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [22-0241](#) 26. [Approving](#) payment to Thanh Dang for a property damage claim. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [22-0242](#) 27. [Submitting](#) travel and training request for T.M. Franklin Cownie. ([Council Communication No. 22-065](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

APPROVING

- [22-0243](#) 28. [Third](#) Amendment to Urban Renewal Agreement for sale of land for private development with 101 East Grand Parking, LLC (Paul Hayes, President) for multi-phased redevelopment of the block east of City Hall. ([Council Communication No. 22-056](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0244](#) 29. [28E](#) Agreement between the City, Polk County and Invest DSM, Inc. ([Council Communication No. 22-067](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-0245](#) 30. [Acceptance](#) of an increase in funds for the Project Safe Neighborhood grant award through the Office of Drug Control Policy. ([Council Communication No. 22-053](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Nays: Sheumaker.**

[22-0246](#) 31. [Request](#) from the Downtown DSM, Inc., on behalf of Iowa State Fair, for approval of up to 42 banners on banner poles in downtown Des Moines beginning the first week of July through the first week of September 2022. **Moved by Gatto to receive, file and approve. Second by Boesen. Motion Carried 7-0.**

32. Abatement of public nuisances as follows:

WITHDRAWN

[22-0247](#)

(A) ~~[3323](#) Ingersoll Avenue.~~

WITHDRAWN

[22-0248](#)

(B) ~~[725](#) Lacona Avenue.~~

[22-0249](#)

(C) [972](#) 26th Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

WITHDRAWN

[22-0250](#)

(D) ~~[2416](#) 56th Street.~~

[22-0251](#)

(E) [800](#) New York Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-0252](#)

(F) [2814](#) 7th Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-0253](#) 33. [Purchase](#) from Diamond Vogel Paint for traffic paint using the State of Iowa Department of Transportation purchasing contract, \$70,000. ([Council Communication No. 22-052](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-0254](#) 34. [Approving](#) Integrated Supply Agreement with Genuine Parts Company d/b/a NAPA Auto Parts for the purchase of integrated supply services for the repair and servicing of fleet vehicles from March 2022 to December 2024 using Sourcewell contract, annual estimate \$3,000,000. ([Council Communication No. 22-066](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-0255](#) 35. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of February 21 and 28, 2022; to draw [checks](#) for the bills of the Des Moines Municipal Housing Agency for the weeks of February 21 and 28, 2022; to draw checks for biweekly payroll due February 25, 2022. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

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

HEARINGS (OPEN AT 5:07 P.M.) (ITEMS 36 THRU 46)

- [22-0256](#) 36. **To** correct the vacation of a portion of Southeast 3rd Street right-of-way located north of East Market Street and south of vacated East Vine Street as part of the Market District Redevelopment Project. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0257](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 7-0.**
- [22-0258](#) (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, #16,103. Second by Boesen. Motion Carried 7-0.**
- [22-0259](#) 37. **Continuance** of hearing on vacation of a portion of Birdland Park and conveyance to Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for the WRA Birdland Pump Station Replacement Project. (Continued to March 7, 2022). **Moved by Westergaard to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0260](#) 38. **On** request from Christensen Development, LLC to amend PlanDSM: Creating Our Tomorrow future land use designation of property located at 600 East 14th Street from Public/Semi-Public to Community Mixed Use and to rezone the property from P2 - Public, Civic and Institutional District to MX3 - Mixed Use District to allow development of convenience store with fueling stations. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [22-0261](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 7-0.**
- [22-0262](#) (B) **Final** consideration of ordinance above (waiver requested by Jake Christensen, Manager), 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, #16,104. Second by Voss. Motion Carried 7-0.**
- [22-0263](#) 39. **Continuing** hearing on request from the Oaks on Fleur, LLC to amend PlanDSM: Creating Our Tomorrow future land use designation for property located at 3010 Fleur Drive and 3020 Fleur Drive from Low Density Residential to Medium Density Residential to rezone from N3a – Neighborhood District to Limited NX1 – Neighborhood District to allow development of approximately 14 rowhome dwelling units. **Moved by Mandelbaum to continue to the March 21, 2022 Council Meeting. Second by Boesen. Motion Carried 7-0.**

- [22-0264](#) 40. [Continuing](#) hearing on request from ABC Partners, LP for approval of a proposed 2nd Amendment to the Airport Business Park Phase II PUD Conceptual Plan on property located at 7404 SW 37th Street in order to reconfigure lots within the PUD, reduce the requirement of a 10-foot bicycle path along Southwest 37th Street and Gannett Avenue to a 5-foot sidewalk, and add the Fabrication and Production, Intensive use of fertilizer product assembly to the allowed uses within the Property. **(Continued until March 7, 2022). Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0265](#) 41. [On](#) request from Trinity Land Holdings, LC for approval of a proposed 1st Amendment to the PAT Brokerage PUD Conceptual Plan on property located at 4529 Douglas Avenue to allow the construction of a 1-story commercial building and parking in the southern portion of PUD along Douglas Avenue, in lieu of the 2-story commercial building and larger surface area currently allowed by the Plan. **Moved by Sheumaker to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0266](#) 42. [On](#) 9th and Locust Street Parking Garage Skywalk & HVAC Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsible bidder as Neumann Brothers, Inc. (Michael Simpson, President), \$1,165,000. [\(Council Communication No. 22-055\)](#) **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0267](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0268](#) 43. [On](#) Observatory Road Reconstruction from Polk Blvd West to Parking Lot: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsible bidder as InRoads, LLC (Joseph J. Manatt, CEO), \$469,655.55. [\(Council Communication No. 22-061\)](#) **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-1. Nays: Sheumaker**
- [22-0269](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-1. Nays: Sheumaker**
- [22-0270](#) 44. [On](#) Neal Smith Trail Rehabilitation – Euclid Avenue to Saylor Creek Bridge: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsible bidder as OMG Midwest, Inc. dba Des Moines Asphalt & Paving (Kevin Bragg, President), \$820,466.50. [\(Council Communication No. 22-060\)](#) **Moved by Westergaard to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0271](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Westergaard to adopt. Second by Boesen. Motion Carried 7-0.**

[22-0272](#)

45. [Dismissing](#) hearing on Nahas Pool Painting Improvements due to no bids being received on project. ([Council Communication No. 22-058](#)) **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**

[22-0273](#)

46. [On](#) Animal Control Facility Bid Package No. 1 – Structural Steel and Erection: Receive and file bids. ([Council Communication No. 22-057](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

**** END OF HEARINGS 5:32 P.M. ****

ORDINANCES - FIRST CONSIDERATION

[22-0274](#)

47. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation changes as follows: ([Council Communication No. 22-050](#)) **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 7-0.**

(A) Proposed code revision to change commercial loading zone to a standard loading zone on the west side of 10th Street between Walnut Street and Mulberry Street.

(B) Parking restriction–Shriver Avenue between 56th Street and 53rd Street.

[22-0275](#)

(C) 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, [#16,105](#). Second by Voss. Motion Carried 7-0.**

48. Amending the Municipal Code by amending Sections 135-2.21.2, 135-9.2.1 and 135-9.2.3, and adding new Section 135-8.2.4, relating to underground placement of utility transmission systems and related to site plan design alternatives, and site plan criteria relating to stormwater management.

[22-0276](#)

(A) [Receive](#) and file communications from Plan and Zoning Commission. **Moved by Gatto, and seconded by Boesen, to receive and file the communication from the Plan and Zoning Commission. Motion Carried 7-0.**

[22-0277](#)

(B) [First](#) consideration of ordinance above. **Moved by Gatto, and seconded by Boesen, that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[22-0278](#)

- (C) **Final** consideration of ordinance above (waiver requested by Erin Olson-Douglas, Development Services Director), requires six votes. **Moved by Gatto and seconded 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, #16,106. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

[22-0279](#)

49. **Requests** to speak as follows: **Moved by Boesen to receive and file. Second by Gatto. Motion Carried 7-0.**

- (A) James Grimm
- (B) Denver Foote
- (C) Abby Bankes
- (D) Adam Callanan
- (E) Natalie Harwood
- (F) Bridget Pedersen
- (G) Taylor Webber
- (H) Carol Maher
- (I) Jolene Prescott
- (J) Carolyn Uhlenhake Walker
- (K) Teresa Montiel
- (L) Tony Gardner

[22-0280](#)

MOTION TO ADJOURN. Moved by Gatto to adjourn at 6:20 PM. Second by Sheumaker. Motion Carried 7-0.

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