



*** 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

May 9, 2022
5:00 P.M.

I. CLOSED SESSION – 3:30 PM

[22-0655](#)

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

[22-0656](#)

- (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 Voss to adopt. Second by Boesen. Motion Carried 6-1. Absent: Cownie.**

[22-0657](#)

- (C) Closed Session.

[22-0658](#)

- (D) Terminate closed session and reconvene in open session. **Moved by Gatto to adopt. Seconded by Westergaard. Motion Carried 6-1. Absent: Cownie.**

[22-0659](#)

- (E) Motion to adjourn. **Moved by Gatto to adjourn at 4:32 PM. Second by Sheumaker. Motion Carried 6-1. Absent: Cownie.**

PROCLAMATIONS (4:45 P.M.)

Public Works Week

- [22-0660](#) 1. ROLL CALL: **Present: Boesen, Gatto, Sheumaker, Mandelbaum, Voss and Westergaard. Absent: Cownie. Mayor Cownie joined the meeting by phone during item 49.**
- [22-0661](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Boesen to adopt. Second by Voss. Motion Carried 6-1. Absent: Cownie.**
- [22-0662](#) 3. APPROVING CONSENT AGENDA * – items 3 through 48: **Moved by Boesen to adopt the consent agenda. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

***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

- [22-0663](#) 4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

NEW APPLICATION

(A) CHOCOLATERIE STAM 2814 INGERSOLL AVE Class B Beer

RENEWAL APPLICATIONS

(B) 14TH STREET TAVERN	3418 E 14TH ST	Class C Liquor
(C) AMERICANA	1312 LOCUST ST	Class C Liquor
(D) CHEESE BAR	2925 INGERSOLL AVE	Class C Liquor
(E) CVS PHARMACY #10329	2303 MERLE HAY RD	Class E Liquor
(F) ELWELL FAMILY FOOD	3000 E GRAND AVE	Class C Liquor
(G) HOYT SHERMAN PLACE	1501 WOODLAND AVE	Class C Liquor
(H) HY VEE MARKET GRILL	1107 E ARMY POST RD	Class C Liquor
(I) KUM & GO #7701	319 7TH ST	Class E Liquor
(J) LA TAPATIA 4	1606 6TH AVE	Class C Beer
(K) LOUIES WINE DIVE	4040 UNIVERSITY AVE	Class C Liquor
(L) LUCKY HORSE	2331 UNIVERSITY AVE	Class C Liquor
(M) ROCA & SHORTYS	208 COURT AVE	Class C Liquor
(N) SOUTH SIDE FOOD MART	1101 ARMY POST RD	Class E Liquor
(O) WICKED RABBIT	1101 ARMY POST RD	Class C Liquor

SPECIAL EVENT APPLICATIONS

(P) BEERCOE 4140 E 14TH ST 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR A PRIVATE EVENT ON MAY 20, 2022.

(Q) HY VEE 4025 TONAWANDA DR 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON MAY 29, 2022.

(R) IOWA TAPROOM 215 E 3RD ST (BEER TENT) 5 days
CLASS B BEER LICENSE FOR MARKET TO MARKET RELAY ON MAY 14, 2022.

(S) NICOLE & MICHAEL S 3000 E GRAND AVE 5 days
CLASS C LIQUOR LICENSE FOR A RECEPTION ON MAY 21, 2022.

(T) YOUR PRIVATE BAR 4025 TONAWANDA DR 5 days
CLASS C LIQUOR LICENSE FOR A RECEPTION ON MAY 12, 2022.

- [22-0664](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[22-0665](#) (A) [Watrous](#) Avenue from SW 56th Street to SW 61st Street: Receiving of bids, (5-24-22) and Setting date of hearing, (6-13-22), Engineer's estimate, \$1,800,000. ([Council Communication No. 22-213](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

[22-0666](#) (B) [Evergreen](#) Park Shelter and Playground Improvements: Receiving of bids, (5-31-22) and Setting date of hearing, (6-27-22), Engineer's estimate, \$475,000. ([Council Communication No. 22-212](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

[22-0667](#) (C) [Cohen](#) Park Shelter and Sport Court Improvements: Receiving of bids, (5-31-22) and Setting date of hearing, (6-27-22), Engineer's estimate, \$460,000. ([Council Communication No. 22-210](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

[22-0668](#) 7. [Approving](#) Professional Services Agreement with Bolton & Menk, Inc. for professional services for 5th Avenue and Grand Avenue One-Way to Two-Way Conversion, not to exceed \$155,000. ([Council Communication No. 22-196](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

- [22-0669](#) 8. [Approving](#) Professional Services Agreement with Impact7G, Inc. for professional services for the Chesterfield Site – Intensive Phase I Archaeological Survey, not to exceed \$66,200. ([Council Communication No. 22-198](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**
- [22-0670](#) 9. [Approving](#) Supplemental Agreement No. 4 to the Professional Services Agreement with Kirkham Michael & Associates, Inc. for additional design services for Southeast Connector – SE 30th Street to U.S. 65, not to exceed \$49,500. ([Council Communication No. 22-218](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**
- [22-0671](#) 10. [Approving](#) Change Order No. 15 with Koester Construction Co., Inc. for additional work on Municipal Service Center - Phase 2, in the amount of \$273,116. ([Council Communication No. 22-200](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**
11. Approving Private Construction Contracts for the following:
- [22-0672](#) (A) [McAninch](#) Corporation and HRC Grover Woods, LLC for Sanitary Sewer Improvements in Grover Woods Plat 2. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**
- [22-0673](#) (B) [McAninch](#) Corporation and HRC Grover Woods, LLC for Storm Sewer Improvements in Grover Woods Plat 2. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**
- [22-0674](#) (C) [Evolution](#) Contracting, LLC and TK Development, LLC for Sanitary and Storm Sewer Improvements in Southwoods Estates Plat 3. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**
- [22-0675](#) 12. [Rescind](#) previously approved private construction contract between The Underground Company, Ltd. and Pinnacle on Fleur, LLC for Sanitary Sewer Improvements in 2710 Fleur Drive. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**
- [22-0676](#) 13. [Agreement](#) between the City of Des Moines and the Des Moines Metropolitan Wastewater Reclamation Authority for the Ingersoll Run Outlet, Phase 28, Segment 1 Project. ([Council Communication No. 22-219](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**
- [22-0677](#) 14. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

SPECIAL ASSESSMENTS

- [22-0678](#) 15. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2022-04. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**
- [22-0679](#) 16. [Levying](#) Assessments for costs of Public Works Sewer Repair at 3709 SW 12th Street, Schedule No. 2022-02. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

LAND/PROPERTY TRANSACTIONS

- [22-0680](#) 17. [Approving](#) payment to Norfolk Southern Railway Company for real estate acquisition settlement. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**
- [22-0681](#) 18. [Approving](#) tax abatement applications for the additional value added by improvements completed in 2021 (1) and 2022, (32 applications). ([Council Communication No. 22-214](#)) **Moved by Boesen to adopt and to 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 Gatto. Motion Carried 6-1. Absent: Cownie.**
- [22-0682](#) 19. [Authorization](#) to proceed with voluntary acquisition of temporary easements and covenants to construct rain gardens on private property within priority watersheds with Public Works Department equipment and personnel in support of the goals of the City's Stormwater Best Management Practices Rebate Program. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [22-0683](#) 20. [Recommendation](#) from Council Member Westergaard to reappoint Matthew Keller to the Building and Fire Code Board of Appeals, Seat 5, for a three-year term commencing April 1, 2022, and expiring April 1, 2025. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**
- [22-0684](#) 21. [Recommendation](#) from Council Member Voss to reappoint Sarah Lohmeier to the Parks and Recreation Board, Seat 5, for a four-year term commencing June 30, 2022, and expiring June 30, 2026. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

[22-0685](#) 22. [Recommendation](#) from Council Member Sheumaker to reappoint Marcus Coenen to the Greater Des Moines Sister Cities Commission, Seat 9, for a five-year term commencing April 28, 2022, to expire April 28, 2027. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

[22-0686](#) 23. [Recommendation](#) from Council Member Voss to reappoint Alexandra Bomhoff to the Access Advisory Board, Seat 5, for a 3-year term commencing December 31, 2021, and expiring December 31, 2024. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

COMMUNICATIONS FROM PLANNING AND ZONING

[22-0687](#) 24. [Regarding](#) request from City of Des Moines Parks and Recreation Department represented by Ben Page for vacation of remnants of street and alley rights-of-way within Gray's Lake Park, to be dedicated as Parkland. **Moved by Boesen to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

[22-0688](#) 25. [Regarding](#) request from HOA Hotels, LLC (Owner) represented by John Schulz (Officer), for vacation of air rights and subsurface rights within East Walnut Street right-of-way, adjoining the property at 610 East Walnut Street, to allow balconies to project from the proposed building and to allow for encroachment of building footings. **Moved by Boesen to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

[22-0689](#) 26. [Regarding](#) request from Kelly Garner (Owner, 2512 Woodland Avenue) for vacation of easternmost 100 lineal feet of the east/west alley right-of-way within the block bounded by Woodland Avenue to the north, High Street to the south, 24th Street to the east, and 28th Street to the west. **Moved by Boesen to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

SETTING DATE OF HEARINGS

[22-0690](#) 27. [On](#) vacation of excess City right-of-way located in Gray's Lake Park, 2101 Fleur Drive, (5-23-22). ([Council Communication No. 22-203](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

[22-0691](#) 28. [On](#) vacation of excess City right-of-way located south of and adjoining 1819 43rd Street and conveyance to Cynthia S. Dolmage and Dennis D. Dolmage for \$150, (5-23-22). **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

- [22-0692](#) 29. **On** vacation of excess City right-of-way located north of and adjoining 4225 Northwest Drive and conveyance to Gabriel Concha and Mariya Velichkova Concha for \$100, (5-23-22). **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**
- [22-0693](#) 30. **On** vacation of street right-of-way located at the intersection of Cottage Grove Avenue, Kingman Boulevard and 25th Street and lease to Drake Neighborhood Association for \$1,000, (5-23-22). **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**
- [22-0694](#) 31. **On** request from City of Des Moines Parks and Recreation Department for Cohen Park located in vicinity of 1000 Scott Avenue, to amend the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Downtown Mixed Use to Parks and Open Space, and to rezone property from DX2 Downtown District to P1 Public, Civic and Industrial District, to bring the existing park use into conformance and to allow park improvements, (5-23-22). **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**
- [22-0695](#) 32. **On** request from Elia, LLC and Easter Lake Estates, Inc. (Phil Watson, Officer) regarding property in the vicinity of 7221 Southeast 5th Street, to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Medium Density Residential to High Density Residential, which would allow future development of the property with a density greater than 17 dwelling units per acre, (5-23-22). **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**
- [22-0696](#) 33. **On** City-initiated request to approve amending the PlanDSM: Creating Our Tomorrow Plan, Approving the Southwest Infrastructure and Planning Study as an element of the City's Transportation Master Plan, MoveDSM, (5-23-22). **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**
- [22-0697](#) 34. **On** Fourth Amendment to lease of the Des Moines Botanical Center to the Greater Des Moines Botanical Garden, (5-23-22). **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [22-0698](#) 35. [Approving](#) payment to Donovan and Julia Chesnut for a property damage claim. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

CITY MANAGER COMMUNICATIONS

- [22-0699](#) 36. [Submitting](#) travel and training request for T.M. Franklin Cownie. ([Council Communication No. 22-226](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

APPROVING

- [22-0700](#) 37. [Preliminary](#) terms of an Urban Renewal Development Agreement with 106 SW 7th Street, LLC for the phased historic renovation and conversion of the existing 4-story warehouse building at 106 SW 7th Street into office space and renovation and conversion of the existing 2-story warehouse building at 113 SW 8th Street for commercial space. ([Council Communication No. 22-225](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

- [22-0701](#) 38. [Preliminary](#) terms of an Urban Renewal Development Agreement with Euclid Foresight, LLC for the renovation of 413 Euclid Avenue into a mixed-use residential and commercial development. ([Council Communication No. 22-223](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

- [22-0702](#) 39. [Preliminary](#) terms of an Urban Renewal Development Agreement with ONESPEED DSM, LLC for the renovation and conversion of the existing auto repair shop located at 303 Scott Avenue into a craft brewing space. ([Council Communication No. 22-227](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

- [22-0703](#) 40. [First](#) Amendment to Urban Renewal Development Agreement for the property located at 207 Crocker Street with 207 Crocker, LLC and Jensen Oswald, LLC, and approval of a Minimum Assessment Agreement. ([Council Communication No. 22-215](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

- [22-0704](#) 41. [Third](#) Amendment to Urban Renewal Development Agreement with Merle Hay Investors, LLC for rehabilitation of existing Merle Hay Mall property and repurposing the Sears site. ([Council Communication No. 22-216](#)) **Moved by Boesen to approve. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

- [22-0705](#) 42. [Agreement](#) with Central Iowa Hospital Corporation d/b/a UnityPoint Health – Des Moines Occupational Health for Occupational Health Services. ([Council Communication No. 22-195](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

[22-0706](#) 42-I [Facility](#) Use Agreement with World Triathlon Corporation d/b/a IRONMAN and Greater Des Moines Convention & Visitors Bureau, Inc. d/b/a Catch Des Moines for use of Gray's Lake Park and the Meredith, Kruidenier and Southwest Connector Multi-Use Recreational Trails for the 2022 IRONMAN Triathlon. ([Council Communication No. 22-204](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

[22-0707](#) 43. [Negotiation](#) and agreement to terminate tower lease agreements between the City of Des Moines and Saga Communications of Iowa, LLC. ([Council Communication No. 22-209](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

44. Abatement of public nuisances as follows:

[22-0708](#) (A) [2806](#) Maple Street. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

(B) Number not used.

[22-0709](#) (C) [5616](#) University Avenue. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

[22-0710](#) (D) [3619](#) 5th Avenue. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

[22-0711](#) (E) [1835](#) Logan Avenue. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

[22-0712](#) (F) [1700](#) 48th Street. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

[22-0713](#) (G) [1315](#) 12th Street. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

[22-0714](#) (H) [3606](#) 47th Street. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

45. Purchases from the following:

[22-0716](#) (A) [Family](#) Tree Care, LLC (Rick Hanson, President) to provide tree stump removal services for the removal of approximately 334 tree stumps in various City park locations, boulevards, and other public property as a result of damage from the derecho storm on August 10, 2020, \$66,418.62. (Ten potential bidders, three received). **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

[22-0717](#) (B) [J & J](#) Construction Corp. (Jody Zuniga, President) for an increase in the agreement for concrete construction services for the Parks and Recreation Department, \$200,330 additional. ([Council Communication No. 22-206](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

- [22-0718](#) (C) [Skyline](#) Salt Solutions (Mark Arthofer, President) for joint bid with the Central Iowa Salt Group (CISG) of granular deicer products (rock salt) for delivery to the Metropolitan Salt Storage Facility and to individual CISG agencies storage facilities for the 2022-2023 snow and ice control season, \$479,975. (Six potential bidders, four received). **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**
- [22-0719](#) (D) [Insight](#) Public Sector, Inc. (Joyce Mullen, President and CEO) for Microsoft Enterprise Software Support Services for three years per Omnia Partners contract as requested by the Information Technology Department, \$662,630.46. ([Council Communication No. 22-202](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**
- [22-0720](#) 46. [Exception](#) to the procurement ordinance request for procurement process for good cause, approving Maintenance Agreement with Iowa Sports Turf Management, Inc. to maintain various athletic fields, and termination of existing Maintenance Agreement with Iowa Sports Turf Management, Inc. ([Council Communication No. 22-205](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**
- [22-0721](#) 47. [Amended](#) contract for expanded mosquito control efforts with Clarke Environmental Mosquito Management, Inc. ([Council Communication No. 22-201](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 5-1-1. Nays: Mandelbaum. Absent: Cownie.**
- [22-0722](#) 48. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of May 9 and 16, 2022; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of May 9 and 16, 2022; to draw checks for biweekly payroll due May 6 and May 20, 2022 **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Cownie.**

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 49 THRU 65)

- [22-0723](#) 49. [On](#) conveyance of excess City-owned property locally known as 2123, 2127, 2207 and 2211 SW 23rd Street to Groben Wine LLC d/b/a Jasper Winery for \$133,600. ([Council Communication No. 22-197](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0724](#) 50. [On](#) conveyance of a Permanent Easement for Building Encroachment in City property located south of and adjoining 2811 Ingersoll Avenue to Peachtree Properties, LC for \$2,475. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**

[22-0725](#)

51. **On** conveyance of vacated City alley in the block bounded by East Aurora Avenue on the north, East Shawnee Avenue on the south, Cornell Street on the west and Columbia Street on the east as part of the Hamilton Drain Storm Sewer Improvements Project. **Moved by Westergaard to adopt. Second by Gatto. Motion Carried 7-0.**

[22-0726](#)

52. **On** vacation and conveyance of City alley in block bounded by East Shawnee Avenue on the north, East Madison Avenue on the south, Columbia Street on the west and Bowdoin Street on the east as part of the Hamilton Drain Storm Sewer Improvements Project. **Moved by Westergaard to adopt. Second by Boesen. Motion Carried 7-0.**

[22-0727](#)

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

[22-0728](#)

- (B) 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, [#16,124](#). Second by Boesen. Motion Carried 7-0.**

[22-0729](#)

53. **On** request from Angel Groff (Owner) to amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Industrial Use, and to rezone property located at 2200 Easton Boulevard from “N3a” Neighborhood District to “I1” Industrial District, to allow use of the property for “Vehicle Maintenance and Repair – Major” use. Plan and Zoning Commission recommends denial. **Moved by Westergaard and second by Boesen to adopt and DENY the proposed amendment to the PlanDSM: Creating Our Tomorrow Comprehensive Future Land Use Plan designation and rezoning, and to make the following findings of fact regarding the proposed land use plan amendment and rezoning: a. The City Plan and Zoning Commission voted 10-0 to recommend denial of the requested amendment of the PlanDSM Comprehensive Future Land Use Plan from Low Density Residential to Industrial and the requested rezoning of the Property to "II" Industrial Mixed Use District, to allow use of the property for "Vehicular Maintenance and Repair - Major" use. b. The PlanDSM: Creating Our Tomorrow Plan future land use designation of the Property is Low Density Residential, which is not in conformance with the proposed Industrial District for Permitted Use of the Property as stated above, as Industrial Districts are intended to accommodate industrial development and limited supporting commercial uses, which would have a large impact on adjoining properties and the environment. c. The subject property is located along a portion of Easton Boulevard that contains low-density residential uses and religious assembly uses, and industrial uses could have a negative impact on adjoining properties and could produce byproducts that require environmental mitigation. d. The Property is small site not within a business park**

setting and is not suitable for Industrial zoning as it is located within close proximity to residential uses. e. 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 6-1. Pass: Sheumaker.

- [22-0730](#) 54. **On** approval and submission of HOME Investment Partnerships Program supplemental funding, as authorized under the American Rescue Plan (HOME-ARP), Allocation Plan as an amendment to the 2021 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD). (Continued from April 18, 2022, Council Meeting). ([Council Communication No. 22-211](#)) **Moved by Gatto to adopt. Second by Sheumaker. Motion Carried 7-0.**
- [22-0731](#) 55. **On** request from KG Store 543, LLC (Aubrie Gould, Officer), for designation of the “Crescent Chevrolet Internally - Lit Acrylic Sign” at 555 17th Street as a local Landmark and on the issuance of Certificate of Appropriateness for proposed exterior alterations to the Crescent Chevrolet Rooftop Sign at 555 17th Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0732](#) 56. **On** amendments to Zoning Ordinance, Des Moines Municipal Code Section 134-3.9.2 relating to Accessory Housing Units (AHUs) and permitted zoning districts and regulations, (Continued from the April 18, 2022 Council meeting). **Moved by Voss to adopt. Second by Sheumaker. Motion Carried 6-1. Nays: Gatto.**
- [22-0733](#) (A) **First** consideration of ordinance above and Table 135-2.22.1. **Moved by Voss that this ordinance be considered and given first vote for passage. Second by Sheumaker. Motion Carried 6-1. Nays: Gatto.**
- [22-0734](#) (B) **Final** consideration of ordinance above (waiver requested by Erin Olson-Douglas, Development Services Director), requires six votes. **Moved by Voss 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, #16,125. Second by Sheumaker. Motion Carried 6-1. Nays: Gatto.**

[22-0735](#)

57. [On](#) the first consideration of an ordinance for extending and amending the franchise heretofore granted to Iowa Power and Light Company, predecessor in interest to MidAmerican Energy Company, and granting unto MidAmerican Energy Company, its successors and assigns, the right, franchise and privilege for a period of thirteen (13) years from and after the effective date, to acquire, construct, operate and maintain in the City of Des Moines, Iowa, the necessary facilities for the production, distribution, transmission and sale of electric energy for public and private use; and to use and occupy the public streets, highways, avenues, alleys, bridges and public places for such purposes; providing for the imposition and collection of a franchise fee in consideration thereof; and prescribing the terms and conditions thereof. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 5-1. Nays: Sheumaker. Council Member Mandelbaum declares a conflict of interest and abstains from voting. Motion by Boesen to receive and file document. Second by Gatto. Motion Carried 6-0.**

[22-0736](#)

58. [On](#) first consideration of an ordinance for extending and amending the franchise heretofore granted to Midwest Gas Company, predecessor in interest to MidAmerican Energy Company, and granting until MidAmerican Energy Company, its successors and assigns, the right, franchise and privilege for a period of thirteen (13) years from and after the effective date hereof, to acquire, construct, operate and maintain in the City of Des Moines, Iowa, the necessary facilities for the production, distribution, transmission and sale of gas for public and private use; and to use and occupy the public streets, highways, avenues, alleys, bridges and public places for such purposes; providing for the imposition and collection of a franchise fee in consideration thereof; and prescribing the terms and conditions thereof. **Moved by Boesen that this ordinance be considered and given first vote for passage. Second by Westergaard. Motion Carried 5-1. Nays: Sheumaker. Council Member Mandelbaum declares a conflict of interest and abstains from voting.**

[22-0737](#)

59. [Western](#) Ingersoll Run Sewer Separation Phase 3: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids. ([Council Communication No. 22-217](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-0738](#)

60. [Animal](#) Control Facility Bid Package No. 3 – General Carpentry, No. 6 – Architectural Millwork, No. 8 – Glazing and Metal Panels, No. 10-Tile, No. 11- Fluid Applied Flooring: Resolution approving plans, specifications, engineer's estimate, receive and file bids, and designating lowest responsive, responsible bidder as Woodruff Construction, Inc. (Donald A. Woodruff, Organizer), \$2,088,700. ([Council Communication No. 22-224](#)) **Moved by Gatto to adopt and include payroll verification for this project. Second by Boesen. Motion Carried 7-0.**

[22-0739](#)

- (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Gatto to adopt and include payroll verification for this project. Second by Boesen. Motion Carried 7-0.**

- [22-0740](#) 61. [Animal](#) Control Facility Bid Package No. 12 – Kennels and Cat Cages: Resolution approving plans, specifications, engineer’s estimate, receive and file bids, and designating lowest responsive, responsible bidder as Midmark Corporation (Jon Wells, President & CEO), \$758,000. ([Council Communication No. 22-221](#)) **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 7-0.**
- [22-0741](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 7-0.**
- [22-0742](#) 62. [Animal](#) Control Facility Bid Package No. 13 – Fire Suppression: Resolution approving plans, specifications, engineer’s estimate, receive and file bids, and designating lowest responsive, responsible bidder as Midwest Automatic Fire Sprinkler Co. (Gerald L. Bernholtz, President), \$88,200. ([Council Communication No. 22-222](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0743](#) (A) [Approval](#) of contract and bond. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0744](#) 63. [2022](#) City-Wide Traffic Calming Improvements: Resolution approving plans, specifications, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), \$638,418. ([Council Communication No. 22-207](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0745](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0746](#) 64. [2022](#) HMA Residential Paving Program Contract 2 - LOSST: Resolution approving plans, specifications, engineer’s estimate, receive and file bids, and designating lowest responsive, responsible bidder as InRoads, LLC (Joseph J. Manatt, CEO), \$1,552,295.60. ([Council Communication No. 22-208](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0747](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0748](#) 65. [Greenhouse](#) Facility: Resolution approving plans, specifications, engineer’s estimate, receive and file bids, and designating lowest responsive, responsible bidder as GTG Construction, L.L.C. (Tracy D. Grasso, Owner), \$4,459,976. ([Council Communication No. 22-220](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0749](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**

**** END OF HEARINGS AT 7:49 P.M. ****

ORDINANCES - FIRST CONSIDERATION

- [22-0750](#) 66. Amending Chapter 114 of the Municipal Code regarding Traffic Regulation changes as follows: (Council Communication No. 22-199) **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 7-0.**
- (A) Parking Restriction – Restrict parking on both sides of SW 61st Street and Watrous Avenue.
- [22-0751](#) (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, #16,126. Second by Boesen. Motion Carried 7-0.**

COUNCIL REQUESTS

- [22-0752](#) 67. Council Member Boesen requests a work session on a Third Party review of the Police Department. Include in the review the culture and climate, policies and support that should be established, policy and procedures and comparison of best practices and how we are in compliance with our own policies and new policies needed. Review and analyze training schedules and any other tools we need. Review the proposals made by Public Works and if there is a timeline established to implement. **Moved by Gatto to receive and file comments and refer to the City Manager to schedule a work session within 30 days. Second by Sheumaker. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [22-0753](#) 68. Requests to speak as follows: **Moved by Boesen to receive and file. Second by Sheumaker. Motion Carried 7-0.**
- (A) Natalie Harwood – Did not speak.
(B) Chris Robinson
(C) Diana Hammel
(D) Jolene Prescott – Did not speak.
(E) Bridget Pedersen
(F) Taylor Webber – Did not speak.
(G) Iris Olivares
(H) Sam Davis
(I) ~~Hannah Hayes~~
(J) ~~Kerri Johannsen~~
(K) Sydney Fox
(L) Harvey Harrison
(M) Dave Murrin-von Ebers – Did not speak.
(N) Matthew Peirce
(O) ~~Adam Callanan~~

[22-0754](#) MOTION TO ADJOURN. Moved by Gatto to adjourn at 8:25 PM. Second by Boesen.
Motion Carried 7-0.

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