



***** 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

June 13, 2022
5:00 PM

- [22-0849](#) 1. **ROLL CALL: Present: Cownie, Boesen, Gatto, Mandelbaum, Voss and Westergaard. Council Members Boesen and Westergaard participated in the meeting by telephone. Absent: Sheumaker.**
- [22-0850](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0851](#) 3. **APPROVING CONSENT AGENDA * – items 3 through 65: Moved by Gatto to adopt the balance of the Consent Agenda. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

***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

- [22-0852](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**

NEW APPLICATION

(A) OLD WEST BARBEQUE 3000 E GRAND AVE Special Class C

RENEWAL APPLICATIONS

(B) 503 COCKTAIL LAB 503 E LOCUST ST Class C Liquor
(C) AKEBONO 215 10TH ST Class C Liquor
(D) BLANK PARK ZOO 7401 SW 9TH ST Class C Liquor
(E) BLAZE PIZZA 300 W MLK JR PKWY Special Class C
(F) CJS II 316 E 30TH ST Class C Liquor
(G) EL RANCHO ALEGRE 3308 INDIANOLA AVE Class C Liquor
(H) GIT N GO STORE #11 3940 E 29TH ST Class C Beer
(I) KELLYS LITTLE NIPPER 1701 E GRAND AVE Class C Liquor
(J) LUCCA 420 E LOCUST ST Class C Liquor
(K) MICHELLES 3925 E 14TH ST Class C Liquor
(L) NEW CHINA BUFFET 1201 E ARMY POST RD Class B Beer
(M) PLATFORM 400 WALNUT ST #101 Class C Liquor
(N) SCOTTISH RITE PARK 2909 WOODLAND AVE Class A Liquor
(O) TIPSY CROW TAVERN 102 3RD ST Class C Liquor
(P) TOBACCO OUTLET #519 727 SE 14TH ST Class C Beer

SPECIAL EVENT APPLICATIONS

(Q) BLAZING SADDLE 406 E 5TH ST 5 days
CLASS C LIQUOR LICENSE FOR RED BULL SOAPBOX PARTY JUNE 17, 2022.

(R) BLAZING SADDLE 406 E 5TH ST 5 days
CLASS B BEER LICENSE FOR MONGO'S BIRTHDAY PARTY ON JUNE 25, 2022.

(S) BUD TENT 3000 E GRAND AVE #23 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR GOOD GUYS CAR SHOW ON JULY 1 - 3, 2022.

(T) DEPOT 3000 E GRAND AVE #069 5 days
CLASS B BEER LICENSE FOR GOODGUYS CAR SHOW JULY 1 - 3, 2022.

(U) DM ARTS FESTIVAL 1000 GRAND AVE 5 days
CLASS C LIQUOR LICENSE FOR THE FESTIVAL ON JUNE 24 - 26, 2022.

(V) DM ARTS FESTIVAL 400 15TH ST 5 days
CLASS C LIQUOR LICENSE FOR THE FESTIVAL ON JUNE 24 - 26, 2022.

(W) DM ARTS FESTIVAL 1329 GRAND AVE 5 days
CLASS C LIQUOR LICENSE FOR THE FESTIVAL ON JUNE 24 - 26, 2022.

(X) DM ARTS FESTIVAL 1200 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR THE FESTIVAL ON JUNE 24 - 26, 2022.

- (Y) DM ARTS FESTIVAL 1408 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR THE FESTIVAL ON JUNE 24 - 26, 2022.
- (Z) DM ARTS FESTIVAL 1198 GRAND AVE 5 days
CLASS B BEER LICENSE FOR THE FESTIVAL ON JUNE 24 - 26, 2022
- (AA) SA PRESENTS 2251 GEORGE FLAGG 14 days
CLASS C LIQUOR LICENSE FOR CONCERTS ON JUNE 24 AND JULY 1, 2022.
- (BB) WAT LAO BUDDHAVAS 1804 E PARK AVE 5 days
CLASS B BEER PERMIT FOR ANNUAL FESTIVAL ON JUNE 17 - 19, 2022.
- (CC) YOUR PRIVATE BAR 120 E 5TH ST 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON JUNE 25, 2022.

TRANSFER TO NEW LOCATION

- (DD) ELWELL FAMILY FOOD 3000 E GRAND AVE #052 Class C Liquor
TEMPORARY TO THE LEARNING CENTER ON JUNE 20 – 21, 2022.

- [22-0853](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**

PUBLIC IMPROVEMENTS

- [22-0854](#) 6. [Ordering](#) construction of Tower Park Futsal Court: Receiving of bids, (6-28-22) and Setting date of hearing, (7-18-22), Engineer’s estimate, \$265,000. ([Council Communication No. 22-269](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [22-0855](#) 7. [Approving](#) and authorizing the execution of the Iowa Department of Transportation (IDOT) Agreement for the Traffic Signal System Timing Update – Phase 5. ([Council Communication No. 22-261](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [22-0856](#) 8. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for 2nd Avenue Reconstruction from University Avenue to the Des Moines River. ([Council Communication No. 22-260](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [22-0857](#) 9. [Approving](#) Professional Services Agreement with Felsburg Holt & Ullevig, Inc. for the Forest Avenue from Beaver Avenue to 9th Street Traffic Study, not to exceed \$114,130. ([Council Communication No. 22-259](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [22-0858](#) 10. [Approving](#) Professional Services Agreement with Kirkham Michael & Associates, Inc. for 2023 Neighborhood Sidewalk Program, not to exceed \$130,000. ([Council Communication No. 22-265](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0859](#) 11. [Approving](#) Professional Services Agreement with Short Elliott Hendrickson, Incorporated for 2024 Neighborhood Sidewalk Program, not to exceed \$156,100. ([Council Communication No. 22-266](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0860](#) 12. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Snyder & Associates, Inc. for Carlisle Multi-Use Trail Connection, not to exceed \$114,300. ([Council Communication No. 22-267](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0861](#) 13. [Approving](#) Private Construction Contract between Woodruff Construction, Inc. and Des Moines Independent Community School District for Paving Improvements in 2450 Forest Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0862](#) 14. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0863](#) 15. [Accepting](#) completed construction and approving final payment for 2021 City-Wide Mid-Block Crossing, Iowa Signal, Inc. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

SPECIAL ASSESSMENTS

- [22-0864](#) 16. [Deletion](#) of NAC – Emergency Assessment at 1407 Burnham Avenue. **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0865](#) 17. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2022-05. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

LAND/PROPERTY TRANSACTIONS

- [22-0866](#) 18. [Acceptance](#) of amended real estate documents from Norfolk Southern Railway Company for the Des Moines River Levee Alterations – Phase B Project to correct scrivener’s error in legal description. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0867](#) 19. [Approving](#) Oak Crest Plat 1 Final Plat and Subdivision Bond. ([Council Communication No. 22-276](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0868](#) 20. [Authorization](#) to proceed with acquisition of the necessary property interests for the 2022 City-Wide Sewer and Surface Water Flowage Repair Project. ([Council Communication No. 22-258](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [22-0869](#) 21. [Approve](#) expansion of the Brook Run Neighborhood boundaries in accordance with the Neighborhood Recognition Policy. ([Council Communication No. 22-270](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [22-0870](#) 22. [Regarding](#) request from Earl J. Crouch (Owner) for vacation of the southernmost 265 lineal feet of SE 2nd Street and southernmost 178 lineal feet of SE 4th Street, south of Scott Avenue, in the vicinity of 303 Scott Avenue. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0871](#) 23. [Regarding](#) request from Robert Fuller (Owner, 2513 High Street) for vacation of the easternmost 50 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 Gatto to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
24. Number not used.

SETTING DATE OF HEARINGS

- [22-0872](#) 25. **On** vacation of excess Wabash Street and SW 17th Street right-of-way located south of W. Martin Luther King, Jr. Parkway and west of SW 16th Street, (6-27-22). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0873](#) 26. **On** vacation of City alley right-of-way located south of and adjoining 2601 E. Market Street and conveyance to Deanna Campfield, \$200, (6-27-22). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0874](#) (A) **Receive** and file communication from the Plan and Zoning Commission. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0875](#) 27. **On** vacation of a portion of E. 2nd Street right-of-way lying north of and adjoining 111 E. Grand Avenue and lease to 111 East Grand, LLC, \$641, (6-27-22). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0876](#) 28. **On** conveyance of excess City property locally known as 1523 Illinois Street to Joe Lyman, \$14,950, (6-27-22). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0877](#) 29. **On** conveyance of vacated City alley right-of-way located west of and adjoining 1414 E. 18th Street to Skyler Hargis and Elizabeth M. Hargis, \$50, (6-27-22). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0878](#) 30. **On** request from Exodus Group Investments, LLC (Jeret Koenig, Officer) for the following regarding property located in the vicinity of 1717 E. Army Post Road, 1825 E. Army Post Road, and 1895 E. Army Post Road, to amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park and Medium Density Residential to Industrial Use, and to rezone the property from “EX” Mixed Use District to “I1” Industrial District to allow the use of the property for uses such as Warehouse, Wholesale Sales and Distribution, Equipment and Material Storage – Outdoor, and Fabrication and Production – General, (6-27-22). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0879](#) 30-I **On** the proposed Urban Renewal Plan for the East Army Post Road Urban Renewal Area, (7-18-22). ([Council Communication No. 22-277](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-0880](#)

31. [On](#) request from Roll-Offs of Des Moines, Inc. Anthony & Gregory S. Holt (Owners); 1150 Highway 5 Pleasantville IA, LLC (Anthony Holt, Officer) and Tony Holt (Owner) for the following regarding property in the vicinity of 20 East 18th Street to amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Industrial, and to rezone the property from “N3c” Neighborhood District to “I2” Industrial District to allow a Junk or Salvage Yard Use, (6-27-22). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-0881](#)

32. [On](#) request from Jaime Villafana (Owner) for the following regarding property located at 3732 Easton Boulevard to amend the PlanDSM Creating Our Tomorrow Plan, to revise the future land use classification from Parks and Open Space to Community Mixed Use and to rezone the property from “F” Flood District and “MX1” Mixed Use District to “MX3” Mixed Use District, to allow use of the existing building as an Industrial Service Light or Office Use, (6-27-22). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-0882](#)

33. [On](#) request from Drake University (Michelle Huggins, Officer), for review and approval of an amendment to the “University Square” Legacy PUD Conceptual Plan, to change the use of the building at the property located at 1140 24th Street from a previous hotel to a college dormitory, (6-27-22). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-0883](#)

34. [On](#) request from BOS Investments, LLC (Jim Sinclair, Officer) and PPDSM, LLC (Adam Sieren, Officer), regarding property in the vicinity of 6501 Hickman Road and 2404 Westover Boulevard to amend the PlanDSM Creating Our Tomorrow Comprehensive Plan, to revise the future land use designation from Neighborhood Mixed Use to Community Mixed Use to allow development of the property with a density of up to 17 dwelling units per acre, (6-27-22). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-0884](#)

35. [On](#) request from Cole of Phoenix AZ, LLC (Todd J. Weiss, Officer), for review and approval of a 3rd amendment to the Dahl’s on Ingersoll PUD Conceptual Plan, on the property located at 3401 Ingersoll Avenue, to allow additional signage including electronic signs on a convenience store, (6-27-22). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-0885](#)

36. [On](#) consideration of a License Agreement for Conservation with the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) on City-owned property located south of University Avenue and east of Winegardner Road for the WRA Fourmile Creek Stabilization – South of University Project, (6-27-22). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

37. Number not used.

- [22-0886](#) 38. **On** issuance of not to exceed \$39,500,000 General Obligation Bonds for essential corporate purposes, (6-27-22). **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0887](#) 39. **On** issuance of not to exceed \$27,500,000 General Obligation Urban Renewal Bonds for essential corporate urban renewal purposes, (6-27-22). **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0888](#) 40. **On** issuance of not to exceed \$1,000,000 General Obligation Bonds for general corporate purposes, GCP-1, (6-27-22). **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0889](#) 41. **On** issuance of not to exceed \$1,000,000 General Obligation Bonds for general corporate purposes, GCP-2, (6-27-22). **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0890](#) 42. **On** issuance of not to exceed \$750,000 General Obligation Bonds for general corporate purposes, GCP-3, (6-27-22). **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0891](#) 43. **On** issuance of not to exceed \$1,000,000 General Obligation Bonds for general corporate purposes, GCP-4, (6-27-22). **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0892](#) 44. **On** issuance of not to exceed \$1,000,000 General Obligation Bonds for general corporate purposes, GCP-5, (6-27-22). **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0893](#) 45. **On** issuance of not to exceed \$1,000,000 General Obligation Bonds for general corporate purposes, GCP-6, (6-27-22). **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0894](#) 46. **On** issuance of not to exceed \$1,000,000 General Obligation Bonds for general corporate purposes, GCP-7, (6-27-22). **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0895](#) 47. **On** issuance of not to exceed \$600,000 General Obligation Bonds for general corporate purposes, GCP-8, (6-27-22). **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0896](#) 48. **On** issuance of not to exceed \$1,000,000 General Obligation Bonds for general corporate purposes, GCP-9, (6-27-22). **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [22-0897](#) 49. [On](#) issuance of not to exceed \$1,000,000 General Obligation Bonds for general corporate purposes, GCP-10, (6-27-22). **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [22-0898](#) 50. [Approving](#) payment to Brian and Erma McCoy for a property damage claim. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [22-0899](#) 51. [Approving](#) payment to Nationwide Insurance as subrogee for Brian Fajen's auto damage claim. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

CITY MANAGER COMMUNICATIONS

- [22-0900](#) 51-I [Submitting](#) travel and training request for T.M. Franklin Cownie. Sponsors: Mayor Cownie and Council Member Mandelbaum. ([Council Communication No. 22-282](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

APPROVING

- [22-0901](#) 52. [Reprogramming](#) of prior years' unspent Community Development Block Grant (CDBG) funding, including Covid-19 response funds (CDBG-CV) to the 2022 Consolidated Plan Program Year and approval of related grant agreements with the U.S. Department of Housing and Urban Development (HUD) for funding the City's 2022 Annual Action Plan, or third year of the 2020-2024 Consolidated Plan. ([Council Communication No. 22-272](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [22-0902](#) 53. [Urban](#) Renewal Development Agreement with HOA EVMF LLC (Chuck Ullrich, Vice President) for the construction of a 7-story, 110-unit mixed-use apartment building located at 317 E. 6th Street. ([Council Communication No. 22-275](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [22-0903](#) 54. [Termination](#) of Urban Renewal Development Agreement with Swaps Cash, LLC. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [22-0904](#) 55. [Certificate](#) of Completion to R.E. Properties, LLC for 506 – 524 E. Grand Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [22-0905](#) 56. [Approval](#) of Grant Agreement with Neighborhood Development Corporation (NDC). ([Council Communication No. 22-280](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

57. Support for Workforce Housing Tax Credit benefit applications to be submitted to the Iowa Economic Development Authority for the following: ([Council Communication No. 22-262](#))

- [22-0906](#) (A) [Wade](#) Investments, LLC (Ryan Wade, Partner) for the High Streets Loft West Project at 1613 High Street. **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0907](#) (B) [Hoyt](#) Investments, LLC (Ryan Wade, Partner) for the High Streets Loft East Project at 610 16th Street. **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0908](#) (C) [Neighborhood](#) Development Corporation (Abbey Gilroy, Executive Director) for the UA Station Project at 2211 University Avenue. **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0909](#) (D) [1200](#) Keo Way, LLC (Mike Derkenne, Managing Member) for the KEO 36 Modern Living Project at 1200 Keo Way. **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0910](#) (E) [13th](#) & Mulberry Multifamily, LLC (Bryon Schafersman, Partner) for Falcon Drive Project at the intersections of 13th & Mulberry. **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0911](#) (F) [Park](#) Indy, LLC (Abbey Gilroy, Executive Director) for the Park Indy Row Homes project at 3140 Indianola Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0912](#) (G) [Euclid](#) Avenue Rowhomes, LLC (Jake Sparks, Manager) for the Euclid Avenue Rowhomes Project at 216 Euclid Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0913](#) (H) [Conlin](#) Development Group (J.B. Conlin, Manager) for the Project at 826 18th Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0914](#) (I) [SW9](#) 215, LLC (Joe Pietruszynki, Senior Vice President) for the Project at 215 SW 9th Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0915](#) (J) [Hubbell](#) Realty Company (Rachel Flint, Vice President of Hubbell Homes) for the Project between SW 8th and SW 9th and south of Murphy Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [22-0916](#) (K) [216](#) E. Court, LLC (Chad Rasmussen, Vice President) for the 216 E. Court Development Project at 216 E. Court Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0917](#) (L) [300](#) MLK Lofts Partners, LLC (Frank Levy, President) for the 300 MLK Lofts Project at 300 ML King Pkwy. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0918](#) (M) [EV](#) Mixed Use, LLC (Alexander Grgurich, Director of Development) for the 418 E. Grand Project at 418 E. Grand Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0919](#) (N) [Star](#) Apartments, LLC (Scott & Molly Cutler, Managers) for the Star Lofts Project at 2701 Ingersoll Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0920](#) (O) [Christensen](#) Development 1, LLC (Chad Rasmussen, Vice President) for the 509 SE 6th Development Project at 509 SE 6th Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0921](#) 58. [Amended](#) and restated receipt of a Certified Local Government (CLG) Grant Award from the State Historical Society of Iowa to the City of Des Moines to partially fund development of a City-wide Historic Preservation Plan. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0922](#) 59. [Des](#) Moines Metropolitan Planning Organization Fiscal Year 2023 Unified Planning Work Program and Budget and authorizing payment of Fiscal Year 2023 Assessment. ([Council Communication No. 22-273](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0923](#) 60. [Request](#) to Polk County Treasurer and approving agreements with Greater Des Moines Habitat for Humanity Inc. and HOME OPPORTUNITIES MADE EASY, INCORPORATED (HOME, INC.) for assignment of tax sale certificates for various properties for development and/or rehabilitation of housing. ([Council Communication No. 22-279](#)) **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0924](#) 61. [Request](#) from Beavertdale Neighborhood Association for an outdoor special event, Beavertdale Bluegrass Festival, in accordance with “Franklin Junior High School” PUD Conceptual Plan at 4801 Franklin Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0925](#) 62. [Designation](#) of repository for City funds and maximum allowable amount. **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**

63. Abatement of public nuisances as follows:

- [22-0926](#) (A) [1344](#) Hutton Street. **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0927](#) (B) [3724](#) Indianapolis Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0928](#) (C) [1857](#) E. Creston Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0929](#) (D) [1112](#) Fremont Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0930](#) (E) [1721](#) South Union Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0931](#) (F) [215](#) SE 28th Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0932](#) (G) [715](#) E. Edison Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0933](#) (H) [2408](#) E. Thornton Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- (I) Number not used.
- [22-0934](#) (J) [1035](#) 22nd Street. **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0935](#) (K) [2937](#) Cottage Grove. **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**

64. Bids from the following:

- [22-0936](#) (A) [Meridian](#) Rapid Defense Group (Bill Fields, CFO) for fifteen (15) sets of anti-vehicle barriers and a hauler trailer per US. General Services Administration (GSA) contract for use by the Police Department, \$105,946.43. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0937](#) (B) [Kiesler](#) Police Supply, Inc. (Doug Kiesler, Chief Executive Officer) \$60,220.75, Sunset Law Enforcement LTD (Mike Bright, Owner) \$101,569.24 and Streichers, Inc. (Jeremy Jenniges, President) \$1,049.70 for ammunition for training and duty purposes per State of Iowa Master Agreements for use by the Police Department, total cost \$162,839.69. ([Council Communication No. 22-281](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [22-0938](#) 65. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of June 13 and 20, 2022; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of June 13 and 20, 2022; to draw checks for biweekly payroll due June 17, 2022. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 66 THRU 73)

- [22-0939](#) 66. **On** vacation of alley right-of-way located north of and adjoining 206 6th Avenue and approval of license agreement with ND 22 Fleming LLC and 206 6th Avenue, LLC. **Moved by Voss to adopt. Second by Mandelbaum. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0940](#) (A) **First** consideration of ordinance above. **Moved by Voss that this ordinance be considered and given first vote for passage. Second by Mandelbaum. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0941](#) (B) **Final** consideration of ordinance above (waiver requested by the City Manager), 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, [#16,136](#). Seconded by Mandelbaum. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0942](#) 67. **On** conveyance of excess City-owned property located on Garden Road and locally known as District/Tax Parcels 010/05190-000-000, 010/05191-000-000, 010/05192-000-000, 010/05193-000-000 and 010/05194-000-000 to C-Build, LLC for \$133,560. (**Council Communication No. 22-257**) **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0943](#) 68. **On** request from Tiger Knight, LLC (Barry Nelson, Officer) for property at 1210 & 1220 Army Post Road to rezone the property from Limited “MX3” Mixed Use District to Limited “MX3” Mixed Use District with conditions to allow automotive upholstery and automotive detailing uses. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0944](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Seconded by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

[22-0945](#)

69. **On** request from Krause Properties, LC (Owner), represented by Charley W. Campbell (Officer), for property at 2500 Southeast 43rd Street, to amend Plan DSM: Creating our Tomorrow Plan to revise the future land use classification from Business Park to Industrial Use, and to rezone the property from “EX” Mixed Use District to “I2” Industrial District to allow the use of the property as a truck parking facility. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-0946](#)

- (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-0947](#)

- (B) **Final** consideration of ordinance above (waiver requested by Michael Schaeffer, Schaeffer Consulting, LLC), 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, #16,137. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-0948](#)

70. **On** request from Parks and Recreation for property at 1 Line Drive, to amend the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Parks and Open Space to Public/Semi-Public, and to rezone from “F” Flood District and “P2” Public, Civic and Institutional District to “P2” Public, Civic and Institutional District, to bring the existing park use into conformance and to allow park improvements. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

[22-0949](#)

- (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Seconded by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

[22-0950](#)

- (B) **Final** consideration of ordinance above (waiver requested by Benjamin Page, Parks and Recreation Director), 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, #16,138. Seconded by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

71. **On** appeal by Knapp Homes, LLC (John Knapp, Owner) represented by Adam Cockerill (Officer) of denial of Type 2 Design Alternatives for a Site Plan (“Scooters”) for property located at 4402 Douglas Avenue. **Moved by Voss, second by Gatto to APPROVE the proposed Site Plan and Type 2 Design Alternatives described, subject to all administrative review comments and to make the following findings of fact in support of approval of the proposed Site Plan and Type 2 Design Alternatives.**

1. **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."**
2. **The applicant is proposing to construct a new 669-square-foot drive-through kiosk style building (Scooter's Coffee).**
3. **Municipal Code Section 135-2.5.3.A.3 requires build-to-zone of 0-5 feet on primary frontage.**
4. **Municipal Code Section 135-2.5.3.A.2 requires 60% minimum primary frontage coverage.**
5. **Municipal Code Section 135-2.5.3.D.21 requires the primary frontage entrance to be recessed between 2 feet and 8 feet.**
6. **Municipal Code Section 135-2.5.3.D.20 requires a principal entrance on the primary frontage facade.**
7. **Municipal Code Section 135.2.22.3.D.1. requires the drive-through facility to be located on the rear or interior side of the building and must be screened from a primary street.**
8. **Applicant has shown that the build-to-zone requirement, primary frontage requirements on both street frontages, primary frontage entrance requirements, and drive-through placement requirements cannot be met because of building size and the room needed for circulation of the drive through lane.**
9. **Municipal Code Section 135-2.5.3.D.18 requires 65% primary frontage ground story transparency measured between 2 feet and 8 feet.**
10. **Applicant has demonstrated that the transparency requirements cannot be met because the site contains a small building filled with food service equipment.**
11. **Applicant has demonstrated that a patio is not feasible at this location because the presence of a patio would require installation of a public restroom facility that is not supported at this location.**
12. **Owner has met the burden required to demonstrate that the requested design alternatives meet the criteria for approval or that the result of the design alternatives would equal or exceed the result of compliance with the relevant sections of the Municipal Code.**
13. **Owner has shown that its 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.**
14. **Owner has shown that the requested design alternatives will not have a substantial or undue adverse effect on the public health, safety, and general welfare.**

15. For the reasons stated above, the Type 2 Design Alternatives as proposed by Owner should be approved, subject to all administrative review comments, and incorporated into the Site Plan. Motion Carried 6-1. Absent: Sheumaker.

[22-0952](#) 72. **On** Watrous Avenue from SW 56th Street to SW 61st Street: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsible bidder as Vanderpool Construction, Inc. (Tobin Vanderpool, President), \$1,533,497.95. ([Council Communication No. 22-271](#)) **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

[22-0953](#) (A) **Approval** of contract and bond and permission to sublet. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

[22-0954](#) 73. **On** City-Wide Pump Station Telog Communication System Conversions: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsible bidder as Jenson Electric, LLC (Michael Jenson, Owner), \$1,214,617. ([Council Communication No. 22-268](#)) **Moved by Gatto to adopt. Second by Mandelbaum. Motion Carried 6-1. Absent: Sheumaker.**

[22-0955](#) (A) **Approval** of contract and bond. **Moved by Gatto to adopt. Second by Mandelbaum. Motion Carried 6-1. Absent: Sheumaker.**

*****END HEARINGS AT 5:37 PM*****

APPROVING

74. Number not used.

[22-0956](#) 75. **Review** of Zoning Board of Adjustment decision granting a Use Variance to allow use of the property at 1022 Army Post Road for a limited “Vehicle Maintenance/Repair, Minor” use in a “RX1” Mixed Use District. ([Council Communication No. 22-278](#)) **Moved by Mandelbaum to receive and file the staff report and comments received and to adopt alternative B. The City Council takes no action to review the Decision and Order. The decision of the Board will become final on July 1, 2022. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

ORDINANCES - FIRST CONSIDERATION

[22-0957](#) 76. **Amending** Chapter 60 of the Municipal Code relating to the separation of shared forced air heating sources and testing of heating sources in rental units. **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[\(Council Communication No. 22-264\)](#)

[22-0958](#) (A) 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, #16,139. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-0959](#) 77. **Amending** Chapter 60 of the Municipal Code relating to carbon monoxide alarms. [\(Council Communication No. 22-263\)](#) **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-0960](#) (A) 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, #16,140. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-0961](#) 78. **Amending** Chapter 114 of the Municipal Code regarding Traffic Regulation changes as follows: [\(Council Communication No. 22-256\)](#) **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Seconded by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

- (A) Code modification related to parking changes on Willowmere Drive between 61st Street and 63rd Street.
- (B) Code modification to modify time of day parking restrictions on Ninth Street between Grand Avenue to High Street.
- (C) Code modification to remove time of day parking restriction on west side of Ninth Street between Pleasant Street to Chestnut Street.
- (D) Code modifications to remove time of day parking restrictions on west side of Tenth Street between Walnut Street to Locust Street.
- (E) Code modifications to remove time of day parking restrictions on east side of Tenth Street between High Street to Woodland Avenue.
- (F) Code modifications to remove time of day parking restrictions on west side of Twelfth Street between Cherry Street to Walnut Street.
- (G) Code modifications to remove time of day parking restrictions on Locust Street between Sixth Avenue to Seventh Street.

- 22-0962 (H) 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, [#16,141](#). Seconded by Gatto. Motion Carried 6-1. Absent: Sheumaker.**
- 22-0963 79. [Oak](#) Park-Highland Park TIF District No. 4. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Seconded by Gatto. Motion Carried 6-1. Absent: Sheumaker.**
- 22-0964 (A) [Final](#) consideration of ordinance above (waiver requested 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, [#16,142](#). Seconded by Gatto. Motion Carried 6-1. Absent: Sheumaker.**
- [22-0965](#) (B) [Final](#) 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 and approving conceptual development plan. ([Council Communication No. 22-274](#)) **Moved by Westergaard to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

COMMUNICATIONS/REPORTS

- [22-0966](#) 80. [Requests](#) to speak as follows: **Moved by Gatto to receive and file. Second by Mandelbaum. Motion Carried 6-1. Absent: Sheumaker.**
- (A) Amarjot Singh
 - (B) Anna Campos
 - (C) Adam Callanan
 - (D) Carolyn Uhlenhake Walker
 - (E) Danielle Stinson - Did not speak.
 - (F) Jeremy Geerdes
 - (G) Sam Davis
 - (H) Jolene Prescott

[22-0967](#) MOTION TO ADJOURN. **Moved by Gatto to adjourn at 6:04PM. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**