



**\*\*\* 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**

**October 3, 2022**  
**5:00 PM**

**SPECIAL PRESENTATIONS – 4:45 PM**

National Gold Medal Award

**PROCLAMATIONS**

Fire Prevention Week  
National Code Compliance Month  
National Coming Out Day

- [22-1486](#) 1. ROLL CALL: **Present: Cownie, Boesen, Gatto, Mandelbaum, Sheumaker, Voss and Westergaard.**
- [22-1487](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1488](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 50: **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**

22-1489

4. Approving Alcoholic Beverage Applications for the following: **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

**NEW APPLICATIONS**

(A)	COONEYS TAVERN	3708 BEAVER AVE	Class C Liquor
(B)	LUA BREWING	1525 HIGH ST	Class C Liquor
(C)	NINAS TACOS	1301 E WATROUS AVE	Class B Beer

**RENEWAL APPLICATIONS**

(D)	85 BAR	432 E LOCUST ST	Class C Liquor
(E)	ANDYS PLACE	5114 SW 9TH ST	Class C Liquor
(F)	ANGRY GOLDFISH	2301 SW 9TH ST	Class C Liquor
(G)	ARAMARK @ NATIONWIDE	1100 LOCUST ST	Class C Liquor
(H)	BARTENDERS HANDSHAKE	3615 INGERSOLL AVE	Class C Liquor
(I)	BEER CAN ALLEY	216 COURT AVE	Class C Liquor
(J)	BLAZING SADDLE	416 E 5TH ST	Class C Liquor
(K)	CAPTAIN ROYS	1900 SAYLOR RD	Class C Liquor
(L)	CASEYS GENERAL STORE #2921	3725 BEAVER AVE	Class C Beer
(M)	CASEYS GENERAL STORE #2922	3501 E 14TH ST	Class C Beer
(N)	CENTRAL CITY 2	1501 MICHIGAN ST	Class E Liquor
(O)	CHUMMY	216 COURT AVE #102	Class C Liquor
<del>(P)</del>	<del>DOLLAR GENERAL #21054</del>	<del>2309 E 42ND ST</del>	<del>Class C Beer</del>
(Q)	DRAKE DINER	1111 25TH ST	Class C Liquor
(R)	EAST VILLAGE PANTRY	333 E GRAND AVE #104	Class E Liquor
(S)	EL AGUILA REAL MEXICAN	4351 MERLE HAY RD	Class C Liquor
<del>(T)</del>	<del>EL BUEN SABOR LATINO</del>	<del>1130 E 9TH ST #E</del>	<del>Class C Liquor</del>
(U)	EUREST DINING SERVICES	1331 GRAND AVE	Class C Liquor
<del>(V)</del>	<del>FLEUR CINEMA &amp; CAFE</del>	<del>4545 FLEUR DR</del>	<del>Special Class C</del>
(W)	G T RACE CAR BAR	3013 INGERSOLL AVE	Class C Liquor
(X)	GOODSONS	2815 BEAVER AVE #102	Class C Liquor
(Y)	HABANEROS MEXICAN	3200 FOREST AVE	Class C Liquor
(Z)	IN & OUT MARKET	2127 MLK JR PKWY	Class E Liquor
(AA)	LUCKY LOTUS	2721 INGERSOLL AVE	Class C Liquor
(BB)	NEW NORTHWESTERN	321 E WALNUT ST	Class C Liquor
(CC)	OASIS	630 SW 9TH ST	Class E Liquor
(DD)	OLD WEST MEXICAN	4138 FLEUR DR	Class C Liquor
(EE)	OPEN SESAME	313 E LOCUST ST	Class C Liquor
(FF)	PLAYERS SPORTS BAR & GRILL	1760 BEAVER AVE	Class C Liquor
(GG)	RENAISSANCE DES MOINES	401 LOCUST ST	Class B Liquor



[22-1490](#) 4-I [Approving](#) new 5-day Class C Liquor License for Jr's Southpork Ranch at 3000 E. Grand Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

## **PUBLIC IMPROVEMENTS**

5. Ordering construction of the following:

[22-1491](#) (A) [Riverview](#) Stage Electrical Improvements: Receiving of bids, (10-25-22) and Setting date of hearing, (11-21-22), Engineer's estimate, \$90,000. ([Council Communication No. 22-446](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1492](#) (B) [Easton](#) Boulevard Reconstruction – E. 33<sup>rd</sup> Street to Fourmile Creek: Receiving of bids, (10-25-22) and Setting date of hearing, (11-21-22), Engineer's estimate, \$1,800,000. ([Council Communication No. 22-445](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1493](#) (C) [2023](#) Midblock Pedestrian Signal Improvements: Receiving of bids, (10-25-22) and Setting date of hearing, (11-21-22), Engineer's estimates, \$600,000. ([Council Communication No. 22-437](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1494](#) 6. [Ratification](#) of Iowa Department of Transportation (IDOT) Federal Recreational Trails (FRT) Funding Grant application for \$300,000 for the Central Place Levee Trail Phase II project. ([Council Communication No. 22-449](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1495](#) 7. [Rescission](#) of Roll Call No. 22-0676 and approval of an agreement with the Des Moines Metropolitan Wastewater Reclamation Authority for the Ingersoll Run Outlet, Phase 28, Segment 1 Project. ([Council Communication No. 22-463](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1496](#) 8. [Approving](#) Professional Services Agreement with Bolton & Menk, Inc. for professional services for Western Gateway Water Feature Improvements, not to exceed \$71,000. ([Council Communication No. 22-462](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1497](#) 9. [Approving](#) Change Order No. 1 with OMG Midwest, Inc. dba Des Moines Asphalt & Paving for additional work on 2022 HMA Resurfacing Program Contract 1, \$217,157.37. ([Council Communication No. 22-436](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1498](#) 10. [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.**

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

- [22-1499](#) (A) [2020](#) Sidewalk Replacement Program, TK Concrete, Inc. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1500](#) (B) [Near](#) West Side Sewer Separation Phase 3, Raccoon Valley Contractors, LLC. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1501](#) (C) [Hamilton](#) Drain Storm Water Improvements Phase 1, S. M. Hentges & Sons Inc. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

#### **SPECIAL ASSESSMENTS**

- [22-1502](#) 12. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2022-09. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1503](#) 13. [Deletion](#) of NAC – Emergency Order Assessment at 2718 Dean Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1504](#) 14. [Deletion](#) of Rental Inspection Assessment at 4028 North Union Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

#### **LAND/PROPERTY TRANSACTIONS**

- [22-1505](#) 15. [Authorization](#) to proceed with acquisition of the necessary property interests for the 2023 Neighborhood Sidewalk Program. ([Council Communication No. 22-452](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1506](#) 16. [Authorization](#) to proceed with acquisition of the necessary property interests for the Easter Lake Drive Sidewalk from Indianola Avenue to Easter Lake Project. ([Council Communication No. 22-458](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1507](#) 17. [Authorization](#) to proceed with acquisition of the necessary property interests for the SW 11th Street from West Martin Luther King Jr. Parkway to Dart Way Improvements Project. ([Council Communication No. 22-459](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

#### **BOARDS/COMMISSIONS**

- [22-1508](#) 17-I [Recommendation](#) from Mayor Cownie to appoint Katie Gillette to Plan and Zoning Commission, Seat 3, for a five-year term expiring July 1, 2026. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [22-1509](#) 18. **On** vacation of the north-south alley right-of-way located west of and adjoining 1830 Lincoln Avenue and conveyance to Kevin R. Gish, \$100, (10-24-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1510](#) 19. **On** vacation of portions of Southeast 2<sup>nd</sup> Street and Southeast 4<sup>th</sup> Street right-of-way located south of Scott Avenue and adjoining 303 Scott Avenue, (10-24-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1511](#) 20. **On** conveyance of excess City property locally known as 1321 Vermont Street, 1407 Michigan Street and 16 Forest Avenue by installment contract to 1321 Vermont Street, LLC, \$315,000, (10-24-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1512](#) 21. **On** request from Hubbell Realty Company (Steve Mosley, Officer) for approximately 35 acres of property located in the vicinity of 4425 East Douglas Avenue to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Low-Medium Density Residential and to rezone the property from “N2b” Neighborhood District to “NX2” Neighborhood Mix District, to allow for the development of townhomes, (10-24-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1513](#) 22. **On** request from Polk County Conservation (Angela Connolly, Officer) for property located in the vicinity of 1601 Williams Street to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Parks and Open Space, and to rezone the property from “F” Flood District and “N3a” Neighborhood District to Limited “P1” Public, Civic and Institutional District to allow the development of trails and other park amenities, (10-24-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1514](#) 23. **On** request from Keegan Jarvis (Owner) for property located at 3123 Indianola Avenue to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential Use to Industrial and to rezone the property from “N3a” Neighborhood District to “I2” Industrial District to allow the use of the property for outdoor storage and auto recycling/ junk and/or a salvage yard business. (10-24-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1515](#) 24. **On** the proposed Second Amendment to the Urban Renewal Plan for the Oak Park-Highland Park Urban Renewal Area, (11-7-22). ([Council Communication No. 22-464](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1516](#) 25. **On** the proposed Third Amendment to the Urban Renewal Plan for the 38th and Grand Urban Renewal Area, (11-7-22). ([Council Communication No. 22-471](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

WITHDRAWN

[22-1517](#)

26. ~~On the proposed Thirty First Amendment to the Urban Renewal Plan for the Metro Center Urban Renewal Area, (11-7-22). (Council Communication No. 22-467)~~

[22-1518](#)

27. On the proposed Urban Renewal Plan for the Southeast 14th Street Urban Renewal Area, (11-7-22). ([Council Communication No. 22-470](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1519](#)

28. On request from the City of Des Moines for a Certificate of Appropriateness pertaining to multiple site improvements within Woodland Cemetery at 2019 Woodland Avenue, (10-24-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1520](#)

29. On Fourth Amendment to Concession Agreement for the Birdland Marina Concession with Less Than Trinity, LLC d/b/a Captain Roy's (10-24-22). ([Council Communication No. 22-440](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1521](#)

30. On Proposed 2023 Action Plan as part of the 2020-2024 Consolidated Plan for submission to the U.S. Department of Housing and Urban Development (HUD), (11-7-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1522](#)

31. On the Proposition to authorize a lease purchase agreement in the principal amount not to exceed \$186,350 for the purpose of acquiring certain items of equipment consisting of three pieces of equipment, a motor grader, wheel loader snowplow and TTT-Dozer, (10-24-22). **Moved by Gatto to adopt. Seconded by Boesen. Motion Carried 7-0.**

**CITY MANAGER COMMUNICATIONS**

[22-1523](#)

32. Submitting travel and training requests for T.M. Franklin Cownie. ([Council Communication No. 22-468](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

**APPROVING**

WITHDRAWN

[22-1524](#)

33. ~~HOME Investment Partnership Program (HOME) Agreement with Star Lofts, LLC (Cutler Development) for 2701 Ingersoll Avenue, \$350,000. (Council Communication No. 22-450)~~

[22-1525](#)

34. The 2022 Continuum of Care (COC) Program Supplemental Special Unsheltered Notice of Funding Opportunity (NOFO) Grant application to the US Department of Housing and Urban Development (HUD). ([Council Communication No. 22-451](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

35. Number not used.

36. Number not used.



- [22-1526](#) 37. [Preliminary](#) Terms of an Urban Renewal Development Agreement with Hoyt Investments Incorporated for the construction of a 47-unit apartment building located at 610 16th Street. ([Council Communication No. 22-469](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1527](#) 38. [First](#) Amendment to Agreement for Federal Government Affairs Services Consulting with Cornerstone Government Affairs, Inc. ([Council Communication No. 22-444](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1528](#) 39. [FY](#) 2022 Annual Federal Equitable Sharing Agreement and Certification. ([Council Communication No. 22-442](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Nays: Sheumaker.**
- [22-1529](#) 40. [Acceptance](#) of the 2022 Edward Byrne Memorial Justice Assistance (JAG) Grant Award, \$175,808. ([Council Communication No. 22-455](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Nays: Sheumaker.**
- [22-1530](#) 41. [Acceptance](#) of the Violence Against Women Grant Award through Iowa Department of Justice, Office of Attorney General, Crime Victim Assistance Division, \$21,446. ([Council Communication No. 22-453](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Pass: Sheumaker.**
- [22-1531](#) 42. [Execution](#) of the FY 2023 Governor’s Traffic Safety Bureau (GTSB) Grant Award, \$169,000. ([Council Communication No. 22-454](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Nays: Sheumaker.**
- [22-1532](#) 43. [Agreement](#) with Iowa Homeland Security and Emergency Management Department (IHSEMD) for award of 2022 Cyber Risk Reduction Grant and memorandum of Agreement (MOA) with IHSEMD for IHSEMD to retain such grant funding for use by State of Iowa Office of the Chief Information Office (OCIO). ([Council Communication No. 22-447](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1533](#) 44. [Agreement](#) with Iowa Homeland Security and Emergency Management Department (HSEMD) for award of 2022 OTDR Replacement Grant and Memorandum of Agreement (MOA) with HSEMD for HSEMD to retain such grant funding for use by State of Iowa, Iowa Communications Network (ICN). ([Council Communication No. 22-438](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1534](#) 45. [Agreement](#) with U.S. Cellular for providing cellular voice, data and related products using the State of Iowa contract through June 30, 2025 with anticipated annual renewals by the State of Iowa, estimated annual cost \$300,000. ([Council Communication No. 22-439](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**



- [22-1535](#) 45-I [Procurement](#) of hazardous tree removal and stump grinding services from Shawnee Mission Tree Service, Inc. dba Arbor Masters (Stephen Corby, Vice President, Special Projects) for use by the Public Works Department, \$192,665. (Eight (8) potential bidders with two (2) received). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1536](#) 45-II [Plans](#), specifications, and form of contract documents for Skywalk Roof Repair Services; receive and file bids; and designation of and approving contract with lowest responsive, responsible bidder Academy Roofing & Sheet Meter Co. (Nick Parenza, Vice President) for use by the Engineering Department, \$152,850. (Seventeen (17) potential bidders, one (1) received). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1537](#) 46. [Amended](#) Parking Meter Rate and Time Zone 1. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1538](#) 47. [City](#) Council meeting schedule for the calendar year 2023. **Moved by Gatto to approve. Second by Boesen. Motion Carried 7-0.**
- [22-1539](#) 48. [Communication](#) from the Greater Des Moines Partnership on behalf of the Iowa State University – Ivy College of Business, requesting approval of placement for up to 40 banners to be displayed on banner poles in downtown Des Moines beginning the first week of October 2022. **Moved by Gatto to receive and file. Second by Boesen. Motion Carried 7-0.**
49. Abatement of public nuisances as follows:
- [22-1540](#) (A) [1412](#) Sampson Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1541](#) (B) [1418](#) E. Vine Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1542](#) (C) [3713](#) Indianapolis Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1543](#) (D) [1207](#) Bundy Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1544](#) (E) [210](#) E. Kirkwood Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1545](#) (F) [400](#) E. Jackson Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1546](#) (G) [1108](#) Burnham Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1547](#) 50. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of October 3, 10 and 17, 2022; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of October 3, 10 and 17, 2022; to draw checks for biweekly payroll due October 7 and 21, 2022. **Moved by Gatto to adopt. Seconded by Boesen. Motion Carried 7-0.**

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

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 51 THRU 68)**

- [22-1548](#) 51. **On** vacation of E. Jefferson Avenue right-of-way adjoining 1626 Dixon Street, 1730 E. Washington Avenue and 1637 E. 17<sup>th</sup> Street and conveyance of a portion of said vacated street right-of-way to Liberty Holdings, Inc., \$13,725, and to continue to the November 7, 2022 Council Meeting. **Moved by Westergaard to adopt. Second by Voss. Motion Carried 7-0.**
- [22-1549](#) 52. **On** vacation of east-west alley right-of-way located west of 29<sup>th</sup> Street between Brattleboro Avenue and University Avenue and conveyance to Drake University for \$29,170. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-1550](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 7-0.**
- [22-1551](#) (B) **Final** consideration of ordinance above (waiver requested by Drake University), 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, #16,176. Second by Gatto. Motion Carried 7-0.**
- [22-1552](#) 53. **On** vacation of east-west alley right-of-way located south of and adjoining 915 28<sup>th</sup> Street and conveyance to None Ya, LLC, \$75. **Moved by Mandelbaum to adopt. Second by Sheumaker. Motion Carried 7-0.**
- [22-1553](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Sheumaker. Motion Carried 7-0.**
- [22-1554](#) (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, #16,177. Second by Sheumaker. Motion Carried 7-0.**
- [22-1555](#) 54. **On** vacation of street and alley right-of-way located between SE 14<sup>th</sup> Street and SE 18<sup>th</sup> Street, south of E. Court Avenue and north of the Iowa Interstate Railroad, and conveyance to Roll-Offs of Des Moines, Inc., \$161,800. ([Council Communication No. 22-460](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [22-1556](#) (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.**

- [22-1557](#) (B) **Final** consideration of ordinance above (waiver requested by Tony Holt), 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, #16,178. Second by Voss. Motion Carried 7-0.**
- [22-1558](#) 55. **On** conveyance of a permanent easement for building encroachment in vacated Urbandale Avenue right-of-way located south of and adjoining 4041 Urbandale Avenue to Marigny, LLC for \$2,055. **Moved by Sheumaker to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1559](#) 56. **On** conveyance of a Permanent Easement for Sanitary Sewer Facilities and a Temporary Easement for Construction and Construction-Related Activities in City property located north of and adjoining 1 Line Drive to Des Moines Metropolitan Wastewater Reclamation Authority. **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 7-0.**
- [22-1560](#) 57. **On** conveyance of easements for underground electric lines in portions of Greenwood Park to MidAmerican Energy Company, \$17,505. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1561](#) 58. **On** conveyance of a portion of City-owned property locally known as Geoparcels No. 7924-28-405-004 to Des Moines Independent Community School District. **Moved by Sheumaker to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1562](#) 59. **On** request from Cole Lopez and Lia Guerra (Owners) for property located at 2800 Brattleboro Avenue to rezone the property from “N5” Neighborhood District to “N5-2” Neighborhood District to allow reuse of the existing structure for a duplex use. **Moved by Mandelbaum to adopt. Second by Sheumaker. Motion Carried 7-0.**
- [22-1563](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Sheumaker. Motion Carried 7-0.**
- [22-1564](#) (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, #16,179. Second by Sheumaker. Motion Carried 7-0.**

[22-1565](#)

60. **On** request from 4021 Properties, LLC (Jenny Smith, Officer) for property located at 4019 and 4021 Ingersoll Avenue to rezone the property from “RX2” Mixed Use District to Limited “RX2” Mixed Use District to allow a 2-story building addition for expansion of office use. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1566](#)

- (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.**

[22-1567](#)

- (B) **Final** consideration of ordinance above (waiver requested by Jenny Smith), 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, #16,180. Second by Boesen. Motion Carried 7-0.**

[22-1568](#)

61. **On** request from Geneva Shoemaker (Owner) for property located at 4970 SE 24<sup>th</sup> Court to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Public/Semi-Public, and to rezone the property from “N2b” Neighborhood District to Limited “P2” Public, Civic and Institutional District, to allow the parceling off of two existing cell towers from the residential property. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[22-1569](#)

- (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.**

[22-1570](#)

- (B) **Final** consideration of ordinance above (waiver requested by Matt Mauro), 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, #16,181. Second by Voss. Motion Carried 7-0.**

[22-1571](#)

62. **On** request from 1348 E Euclid Ave, LLC (Owner) for property located in the vicinity of 1331 E. Douglas Avenue to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Community Mixed Use and to rezone the property from “N3a” Neighborhood District to Limited “RX2” Mixed Use District to allow use of property in common with the property immediately to the south, which would be converted from a motel use to a multiple-household use, and to continue to the October 24, 2022 Council meeting. **Moved by Westergaard to adopt. Second by Boesen. Motion Carried 7-0.**

WITHDRAWN

[22-1572](#)

- (A) ~~**First** consideration of ordinance above.~~

- [22-1573](#) 63. [On](#) request from Zachary Finch and Cheryl Finch (Owners) for property located at 3125 Kingman Boulevard to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Medium Density Residential, and to rezone the property from “N5-4” Neighborhood District to “NX2” Neighborhood Mix District, to allow use of the property for a multiple-household use with up to 8 dwelling units, where the existing structure has lost its previous non-conforming rights. (Plan and Zoning Commission recommends DENIAL) **Moved by Mandelbaum to adopt option A. A. 1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed amendment and rezoning are hereby overruled, and the hearing is closed. 2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use Classification from Low Density Residential to Medium Density Residential is hereby denied. 3. The proposed rezoning of the Property, as legally described above, from “N5-4” Neighborhood District to Limited “NX2” Neighborhood Mix District is hereby denied. Second by Sheumaker. Motion Carried 7-0.**
- [22-1574](#) 64. [On](#) request from HRC NFS I LLC (Casey Port, Officer) for review and approval of a PUD Final Development Plan “Gray’s Station Linc – Parking Lot Reconfiguration/Site Improvements,” for properties located at 210 SW 11<sup>th</sup> Street and 310 SW 11th Street, to allow additions to and reconfigurations of the site’s bicycle and motor vehicle parking areas. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-1575](#) 65. [On](#) the proposition to authorize a lease purchase agreement in the principal amount not to exceed \$50,000 for the purpose of acquiring certain items of equipment consisting of two electric vehicles. ([Council Communication No. 22-443](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1576](#) 66. [On](#) Status of Funded Activities (SOFA) under the second round of Community Development Block Grant Funding to prepare, prevent and respond to the Coronavirus (CDBG-CV2) from the U.S. Department of Housing and Urban Development (HUD) as passed through the Iowa Economic Development Authority. ([Council Communication No. 22-456](#)) **Moved by Boesen to adopt. Second by Voss. Motion Carried 7-0.**
- [22-1577](#) 67. [On](#) Fifth Amendment to Lease Agreement with DBH Iowa, LLC for lease of Principal Park. ([Council Communication No. 22-441](#)) **Moved by Voss to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1578](#) (A) [Approving](#) Lot Tie Covenant for five parcels of Principal Park. **Moved by Voss to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1579](#) 68. On Principal Park Phase 1 Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as BallTeam LLC (Richard Ball, Managing Member), \$7,995,000. ([Council Communication No. 22-448](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[22-1580](#) (A) Approval of contract and bond and permission to sublet. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

\*\*\*\* END HEARINGS AT 5:38 PM \*\*\*\*

### COUNCIL REQUESTS

[22-1581](#) 68-I Item requested by Council Member to be considered by the full Council for inclusion at the next Council Workshop or other disposition as directed by Council. **Moved by Gatto to deny. Second by Boesen. Motion Carried 5-2. Nays: Mandelbaum and Sheumaker.**

### APPROVING II

[22-1582](#) 69. Appointment of Linda Main as Chief Deputy City Clerk. **Moved by Voss to adopt. Second by Gatto. Motion Carried 7-0.**

### ORDINANCES SECOND CONSIDERATION

[22-1583](#) 70. Amending the Municipal Code by enacting Chapter 61 relating to the Vacant Property Registration Ordinance. **Moved by Mandelbaum that this ordinance be considered and given second vote for passage. Second by Boesen. Motion Carried 7-0.**

WITHDRAWN

[22-1584](#) (A) ~~Final consideration of ordinance above (waiver requested by SuAnn Donovan, Assistant Director, Neighborhood Services), requires six votes.~~

WITHDRAWN

[22-1585](#) (B) ~~Approving and adopting administrative fees for the Vacant Property Registration Ordinance.~~

## ORDINANCES FIRST CONSIDERATION

[22-1586](#)

71. **Amending** Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: ([Council Communication No. 22-461](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 7-0.**

- (A) Parking modification - Remove parking on the east side of 6th Avenue between Locust Street and Grand Avenue and between Grand Avenue and High Street.
- (B) Parking modification - Extend parking restrictions on Chamberlain Avenue at 45th Street.
- (C) One-way designation - St. Johns Road between 35th Street and 34th Street.
- (D) Parking modification - Change parking restriction start time from 8:00 a.m. to 7:00 a.m. on SE 7th Street between Indianola Avenue and E. Virginia Avenue.
- (E) Code correction - Update parking restriction to match field conditions on SE 22nd Street from King Avenue to E. Virginia Avenue.
- (F) Code correction - Update parking restriction to match field conditions on 41st Street from College Avenue to Germania Drive.

[22-1587](#)

- (G) 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, #[16,182](#). Second by Boesen. Motion Carried 7-0.**

[22-1588](#)

72. **Amending** Section 58-55 relating to the Landmark Review Board. **Moved by Boesen that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[22-1589](#)

- (A) **Final** consideration of ordinance above (waiver requested by Erin Olson Douglas, Development Services Director), requires six votes. **Moved by Boesen that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #[16,183](#). Second by Voss. Motion Carried 7-0.**

[22-1590](#)

73. **Clarifying** language as to the intent of Ordinance No. 16,166 which provides that general property taxes levied and collected each year on a portion of the property, "Oak Park-Highland Park TIF District No. 4", located within the Oak Park-Highland Park Urban Renewal Area be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the City of Des Moines in connection with the Urban Renewal Project for such portion of the Urban Renewal Area. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 7-0.**



## COMMUNICATIONS/REPORTS

[22-1591](#)

74. [Requests](#) to speak as follows: **Moved by Gatto to receive and file. Second by Westergaard. Motion Carried 7-0.**

- (A) Harvey Harrison – did not speak.
- (B) RJ Miller
- (C) April Peterson
- (D) Chris Robinson
- (E) Gabbie Ruggiero
- (F) Adam Callanan
- (G) Wanda Price – did not speak.
- (H) Nadine Adele

[22-1592](#)

**MOTION TO ADJOURN. Moved by Cownie to adjourn at 6:28 PM. Motion Carried 7-0.**

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