



***** 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 24, 2022
5:00 PM

- [22-1597](#) 1. ROLL CALL: **Present: Cownie, Boesen, Gatto, Mandelbaum, Sheumaker, Voss and Westergaard. Council Member Sheumaker participated in the meeting by telephone.**
- [22-1598](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Voss to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-1599](#) 3. APPROVING CONSENT AGENDA * – items 3 through 46: **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

[22-1600](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

NEW APPLICATIONS

(A) MARS COFFEE	2318 UNIVERSITY AVE	Special Class C
(B) SPROCKETS PUB	1905 INGERSOLL AVE #106	Class C Liquor

RENEWAL APPLICATIONS

(C) AC HOTEL	401 E GRAND AVE	Class B Liquor
(D) AMERICAN LEGION	1511 SOUTH UNION ST	Class B Beer
(E) BORDENAROS	6108 SW 9TH ST	Class C Liquor
(F) CENTRO RESTAURANT	1011 LOCUST ST (1ST FLOOR)	Class C Liquor
(G) CHEESE SHOP	833 42ND ST #B	Special Class C
(H) COA CANTINA	425 E GRAND AVE	Class C Liquor
(I) CVS PHARMACY #10161	215 EUCLID AVE	Class E Liquor
(J) DAM PUB	2712 BEAVER AVE	Class C Liquor
(K) DES LUX HOTEL	800 LOCUST ST	Class B Liquor
(L) DOLLAR STORE #21054	2309 E 42ND ST	Class C Beer
(M) DONNAS	4424 SE 14TH ST	Class C Liquor
(N) EL BUEN SABOR LATINO	1130 E 9TH ST #E	Class C Liquor
(O) EL RINCON CATRACHO 2	910 HULL AVE	Class C Liquor
(P) FAMILY PANTRY	4538 LOWER BEAVER RD	Class E Liquor
(Q) FUZZYS TACO SHOP	300 W MLK JR PKWY #120	Class C Liquor
(R) GIT N GO STORE #33	865 42ND ST	Class C Beer
(S) GIT N GO STORE #42	806 SE 14TH ST	Class C Beer
(T) GOLDEN FAMILY	4109 SE 14TH ST	Class C Beer
(U) HOME2 SUITES	2650 UNIVERSITY AVE	Class B Liquor
(V) KUM & GO #535	4960 E BROADWAY AVE	Class E Liquor
(W) OH SUSHI	2815 BEAVER AVE #101	Special Class C
(X) PARLOR	4041 URBANDALE AVE	Class C Liquor
(Y) PURVEYOR	505 E GRAND AVE #105	Class C Liquor
(Z) QUIK TRIP #530	1424 E EUCLID AVE	Class E Liquor
(AA) QUIK TRIP #559	4021 FLEUR DR	Class E Liquor
(BB) SURETY HOTEL	206 6TH AVE FLOORS 1 & 2	Class B Liquor
(CC) TRELIS CAFE	909 ROBERT D RAY DR	Class C Liquor

SPECIAL EVENT APPLICATIONS

(DD) DES MOINES EMBASSY 100 LOCUST ST 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR AN ANNUAL WINE TASTING
ON NOVEMBER 4, 2022.

(EE) MACHINE SHED 519 PARK ST 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR AN EVENT ON OCTOBER 29, 2022.

(FF) YOUR PRIVATE BAR 3800 MERLE HAY RD #420 5 days
CLASS C LIQUOR LICENSE FOR A FASHION EVENT ON OCTOBER 30, 2022.

[22-1601](#) 4I [Approving](#) new 5-day Class C Liquor License for Senor Tequila at 120 E 5th Street for Iowa Latino Gala on October 27, 2022. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1602](#) 5. [Approving](#) settlement with Shag's located at 216 Court Avenue, Suite 201 for suspension of its liquor license for 14-days and payment of a \$1,000 penalty. ([Council Communication No. 22-495](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[22-1603](#) (A) [McKinley](#) Avenue Reconstruction from South Union Street to SW 9th Street: Receiving of bids, (11-8-22) and Setting date of hearing, (12-12-22), Engineer's estimate, \$5,656,000. ([Council Communication No. 22-472](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1604](#) (B) [University](#) Avenue – 39th Street to 25th Street Improvements: Receiving of bids, (11-8-22) and Setting date of hearing, (12-12-22), Engineer's estimate, \$2,810,000 ([Council Communication No. 22-473](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1605](#) (C) [SE](#) 6th Street Reconstruction from E. Hillside Avenue to E. Edison Avenue: Receiving of bids, (11-8-22) and Setting date of hearing, (12-12-22), Engineer's estimate, \$400,000. ([Council Communication No. 22-481](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1606](#) (D) [Evelyn](#) K. Davis Park Basketball Court Improvements: Receiving of bids, (11-8-22) and Setting date of hearing, (12-12-22), Engineer's estimate, \$710,000 ([Council Communication No. 22-482](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1607](#) (E) [Des](#) Moines Levee Alterations – Phase C: Receiving of bids, (11-22-22) and Setting date of hearing, (12-12-22), Engineer's estimate, \$15,400,000. ([Council Communication No. 22-480](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

- [22-1608](#) (F) [Harriet](#) Street Solar Field: Receiving of bids, (11-22-22) and Setting date of hearing, (12-12-22), Engineer's estimate, \$2,700,000. ([Council Communication No. 22-489](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1609](#) 7. [Approving](#) Change Order No. 2 with Herberger Construction Company, Inc. for additional work on SW 9th Street Bridge Replacement over Middle South Creek, \$104,783.25. ([Council Communication No. 22-490](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
8. Approving Private Construction Contracts for the following:
- [22-1610](#) (A) [Legacy](#) Excavation, LLC and Oakstone Homes of Iowa, LLC for Sanitary Sewer Improvements in Three Lakes Estates Plat 8. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1611](#) (B) [Legacy](#) Excavation, LLC and Oakstone Homes of Iowa, LLC for Sanitary Sewer Improvements in Three Lakes Estates Plat 9. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1612](#) (C) [Legacy](#) Excavation, LLC and J. Larson Homes, LLC for Sanitary Sewer Improvements in Three Lakes Estates Plat 10. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1613](#) (D) [Legacy](#) Excavation, LLC and J. Larson Homes, LLC for Storm Sewer Improvements in Three Lakes Estates Plat 10. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
9. Approving completion and acceptance of Private Construction Contracts for the following:
- [22-1614](#) (A) [Sanitary](#) Sewer Improvements at Grover Woods Plat 2, between McAninch Corporation and HRC Grover Woods, LLC. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1615](#) (B) [Storm](#) Sewer Improvements at Grover Woods Plat 2, between McAninch Corporation and HRC Grover Woods, LLC. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1616](#) (C) [Paving](#) Improvements at Grover Woods Plat 2, between Sternquist Construction, Inc. and Hubbell Realty Company. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1617](#) (D) [Traffic](#) Signal Improvements at 611 5th Avenue, between Baker Electric, Inc. and 611 Fifth Avenue, LLC. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

- [22-1618](#) 10. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
11. Accepting completed construction and approving final payment for the following:
- [22-1619](#) (A) [E. 30th Street Bridge Rehabilitation over U.P.R.R. and Associates, Inc.](#) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1620](#) (B) [2021 City-wide PCC Pavement Restoration Program, TK Concrete, Inc.](#) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1621](#) (C) [2021 Neighborhood Sidewalk Program, TK Concrete, Inc.](#) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [22-1622](#) 12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2022-02. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1623](#) 13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2022-10. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [22-1624](#) 14. [Authorization](#) to proceed with acquisition of the necessary property interests for the Guthrie Avenue Trail from Delaware Avenue to Hubbell Avenue Project. ([Council Communication No. 22-474](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1625](#) 15. [Authorization](#) to proceed with acquisition of the necessary property interests for the E. 4th Street Reconstruction from East Martin Luther King Jr. Parkway to E. Court Avenue Project. ([Council Communication No. 22-479](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [22-1626](#) 16. [Recommendation](#) from Council Member Mandelbaum to reappoint Frank Strong to the Access Advisory Board, Seat 6, for a four-year term commencing June 15, 2022, and expiring June 14, 2026. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1627](#) 17. [Recommendation](#) from Council Member Mandelbaum to reappoint Sonia Reyes to the Des Moines Civil and Human Rights Commission, Seat 6, for a three-year term commencing April 16, 2022, and expiring April 15, 2025. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1628](#) 18. [Communication](#) from Andrew Wyckoff advising of his resignation from the Building and Fire Code Board of Appeals, Seat 12, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Second by Boesen. Motion Carried 7-0.**
- [22-1629](#) (A) [Recommendation](#) from Council Member Westergaard to appoint Rush Wyckoff to the Building and Fire Code Board of Appeals, Seat 12, expiring April 1, 2023. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1630](#) 19. [Communication](#) from Joel Aschbrenner advising of his resignation from the Water Works Trustees, Seat 5, effective October 26, 2022. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Second by Boesen. Motion Carried 7-0.**
- [22-1631](#) (A) [Recommendation](#) from Mayor T.M. Franklin Cownie to appoint Alec Davis to the Water Works Trustees, Seat 5, commencing on October 26, 2022, expiring March 31, 2027. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1632](#) 20. [Alexander](#) Cutchey, Seat 11, has advised the Greater Des Moines Sister Cities Commission of his resignation, effective immediately, due to relocating outside of the City of Des Moines. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Second by Boesen. Motion Carried 7-0.**
- [22-1633](#) 21. [Due](#) to relocating outside of the City of Des Moines, Li Zhao Mandelbaum's, Seat 7, on the Greater Des Moines Sister Cities Commission is being declared vacant effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for her service. Second by Boesen. Motion Carried 6-0. Council Member Mandelbaum abstains from voting based on an appearance of a conflict of interest.**
- [22-1634](#) 22. [Approving](#) admission of the City of Urbandale to the Greater Des Moines Sister Cities Commission. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

[22-1635](#)

23. [Regarding](#) request from 13th and Mulberry, LLC (Byron Schafersman, Officer) for vacation of air and subsurface rights-of-way adjoining 1321 Mulberry Street, Falcon Drive, Mulberry Street, and a north/south alleyway to allow balconies, canopies and building footings on the proposed building. **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 Boesen. Motion Carried 7-0.**

WITHDRAWN

[22-1636](#)

24. ~~[Regarding](#) request from Legacy 515, LLC (Zach Vander Ploeg, Officer) for vacation of undeveloped segments of right-of-way in the vicinity of Southwest 17th Street and County Line Road, including segments perpendicular to and to the west of Southwest 17th Street and an undeveloped segment of Southwest 14th Street for future one-household residential subdivision.~~

SETTING DATE OF HEARINGS

[22-1637](#)

25. [On](#) vacation of E. Jefferson Avenue right-of-way and conveyance, along with additional excess City property all located south of and adjoining 1700 Dixon Street, to JSB Fiontair, LLC, \$5,000, (11-7-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1638](#)

26. [On](#) vacation of alley right-of-way located at 601 E. University Avenue within Burke Park, (11-7-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

WITHDRAWN

[22-1639](#)

27. ~~[On](#) request from Legacy 515, LLC (Zach Vander Ploeg, Officer) for the following regarding property located in the vicinity of Southwest 17th Street and County Line Road to receive and file the Large Scale Development Plan, to amend Plan DSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park to Low Density Residential and to rezone the property from “N3a” Neighborhood District and “EX” Mixed Use District to “N2b” Neighborhood District to allow the development of one-household residential dwellings, (11-7-22).~~

[22-1640](#)

28. [On](#) appeal by First Assembly of God Church (Jeffrey Ostrander, Officer) of denial of a Type 2 Design Alternative for a Site Plan “Reach Church Building and Site Improvements” for property at 2725 Merle Hay Road. (11-7-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1641](#)

29. [On](#) the proposed Thirty First Amendment to the Urban Renewal Plan for the Metro Center Urban Renewal Area, (11-21-22). ([Council Communication No. 22-493](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

- [22-1642](#) 30. [On](#) Amended and Renewed Annexation Moratorium Agreement and 28E Agreement with the City of Pleasant Hill, (12-12-22). ([Council Communication No. 22-499](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [22-1643](#) 31. [Approving](#) payment to Daniel Robbins. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 5-0. Council Members Gatto and Sheumaker declare conflicts of interest and abstain from voting.**

CITY MANAGER COMMUNICATIONS

- [22-1644](#) 32. [Submitting](#) travel and training request for T.M. Franklin Cownie. ([Council Communication No. 22-492](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

APPROVING

- [22-1645](#) 33. [HOME](#) Investment Partnership Program (HOME) Agreement with Star Lofts, LLC (Cutler Development) for 2701 Ingersoll Avenue, \$350,000 ([Council Communication No. 22-491](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

- [22-1646](#) 34. [First](#) Amendment of an Urban Renewal Development Agreement with 13th & Mulberry, LLC (Josh Aberson, Byron Schafersman and Tim Rypma) and 13th and Mulberry Multifamily, LLC for the constructions of a 5-story mixed-use building on adjacent lot northwest of 13th and Mulberry. ([Council Communication No. 22-498](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

- [22-1647](#) 35. [Issuance](#) of Certificate of Completion for KG Store 543, LLC, 555 17th Street, Metro Center Urban Renewal Project. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

- [22-1648](#) 36. [Advance](#) of funds to reimburse the City's Economic Development Enterprise Account for the purchase of 1439 Michigan Street. ([Council Communication No. 22-494](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

- [22-1649](#) 37. [Assignment](#) of Agreement between City and Central Iowa Water Trails, LLC (CIWT) for Proposed Impact to Levee. ([Council Communication No. 22-478](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

- [22-1650](#) 38. [Acceptance](#) of 2022 Homeland Security Explosive Ordnance Detection grant award. ([Council Communication No. 22-477](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Nays: Sheumaker.**

39. Abatement of public nuisances as follows:

- [22-1651](#) (A) [1203](#) 15th Place and 1207 15th Place. **Moved by Gatto to adopt. Seconded by Boesen. Motion Carried 7-0.**
- [22-1652](#) (B) [408](#) E. Dunham Avenue. **Moved by Gatto to adopt. Seconded by Boesen. Motion Carried 7-0.**
- [22-1653](#) (C) [1112](#) Burnham Avenue. **Moved by Gatto to adopt. Seconded by Boesen. Motion Carried 7-0.**
- [22-1654](#) (D) [1304](#) 62nd Street. **Moved by Gatto to adopt. Seconded by Boesen. Motion Carried 7-0.**
- [22-1655](#) (E) [4504](#) Fleur Drive. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1656](#) (F) [5411](#) SE 6th Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1657](#) (G) [4108](#) SE 8th Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1658](#) (H) [104](#) E. Payton Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

40. Communication of fire escrow at the following locations:

- [22-1659](#) (A) [201](#) Grand Avenue, Unit 103. **Moved by Gatto to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of certified mail notice dated September 9, 2022, if owner(s) has not demolished or renovated the structure. Second by Boesen. Motion Carried 7-0.**
- [22-1660](#) (B) [5601](#) Kingman Avenue. **Moved by Gatto to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of certified mail notice dated August 18, 2022, if owner(s) has not demolished or renovated the structure. Second by Boesen. Motion Carried 7-0.**

[22-1661](#) 41. [Receive](#) and file Quarterly Treasurer's Report as of September 30, 2022. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1662](#) 42. [Communication](#) from the Greater Des Moines Partnership on behalf of the LifeServe Blood Center O+, requesting approval of placement for up to 40 banners to be displayed on banner poles in downtown Des Moines beginning the first week of November 2022. **Moved by Gatto to receive, file and approve. Second by Boesen. Motion Carried 7-0.**

[22-1663](#) 43. [Second](#) Amendment to contract with FBG Service Corporation to add professional custodial services at the Des Moines Public Library buildings, estimated annual amount not-to-exceed \$228,000. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

44. Number not used.

[22-1664](#)

- 45. [Purchase](#) from E. J. Ward, Inc. (Markay Ward, CEO) and installation of three (3) electronic fuel control terminals at existing Fire Department fueling locations per Sourcewell contract, \$52,864.75. ([Council Communication No. 22-476](#)) **Moved by Gatto to adopt. Seconded by Boesen. Motion Carried 7-0.**

[22-1665](#)

- 46. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of October 24 and 31, 2022; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of October 24 and 31, 2022; to draw checks for biweekly payroll due November 4, 2022. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 47 THRU 56)

[22-1666](#)

- 47. [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, requires six votes for approval. **Moved by Westergaard to adopt. Second by Gatto. Motion Carried 7-0.**

[22-1667](#)

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

[22-1668](#)

- (B) [Final](#) consideration of ordinance above (waiver requested by Rich Leopold, Director, Polk County), 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, #16,184. Seconded by Gatto. Motion Carried 6-1. Nays: Sheumaker.**

[22-1669](#)

- 48. [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. (Plan and Zoning Commission recommends DENIAL) **Moved by Gatto 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 Out Tomorrow Plan to revise the future land use classification for the Property from Low Density Residential to Industrial is hereby denied. 3. The proposed**

rezoning of the Property, as legally described above, from “N3a” Neighborhood District to “I2” Industrial District, to allow the use of the property for outdoor storage and auto recycling/junk and/or salvage yard is hereby denied. Second by Boesen. Motion Carried 7-0.

[22-1670](#)

49. **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. **Moved by Westergaard to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1671](#)

- (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.**

[22-1672](#)

- (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, #16,185. Second by Boesen. Motion Carried 7-0.**

[22-1673](#)

50. **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, (continued from October 3rd Council meeting). **Moved by Westergaard to adopt. Second by Voss. Motion Carried 7-0.**

[22-1674](#)

- (A) **First** consideration of ordinance above. **Moved by Westergaard to adopt. Second by Voss. Motion Carried 7-0.**

[22-1675](#)

- (B) **Final** consideration of ordinance above (waiver requested by Brad Lowe, Manager), 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, #16,186. Second by Voss. Motion Carried 7-0.**

[22-1676](#)

51. **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. ([Council Communication No. 22-485](#)) **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 7-0.**

- [22-1677](#) 52. **On** vacation of portions of Southeast 2nd Street and Southeast 4th Street right-of-way located south of Scott Avenue and adjoining 303 Scott Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [22-1678](#) (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 7-0.**
- [22-1679](#) (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, #[16,187](#). Seconded by Voss. Motion Carried 7-0.**
- [22-1680](#) 53. **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. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1681](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Seconded by Boesen. Motion Carried 7-0.**
- [22-1682](#) (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, #[16,188](#). Seconded by Boesen. Motion Carried 7-0.**
- [22-1683](#) 54. **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. ([Council Communication No. 22-484](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-1684](#) 55. **On** Fourth Amendment to Concession Agreement for the Birdland Marina Concession with Less Than Trinity, LLC d/b/a Captain Roy's and approving exception to procurement ordinance competitive process for good cause. ([Council Communication No. 22-483](#)) **Moved by Westergaard to adopt. Second by Voss. Motion Carried 7-0.**
- [22-1685](#) 56. **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. ([Council Communication No. 22-475](#)) **Moved by Gatto to adopt. Seconded by Mandelbaum. Motion Carried 7-0.**

COUNCIL REQUESTS

- [22-1686](#) 57. **From** the City Council's Personnel Subcommittee (Cownie, Boesen and Voss) to consider receipt and approval of the City Council Personnel Committee's annual review and compensation review for the Council's direct reports. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**

APPROVING II

58. Items regarding property at 701 Walnut Street:

- [22-1687](#) (A) **Approving** Final Terms of an Urban Renewal Development Agreement with Employers Mutual Casualty (EMC) Company for the Construction of the Urban Park Stairway Nodal Area at 701 Walnut Street. ([Council Communication No. 22-496](#)) **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**

- [22-1688](#) (B) **Approving** Seventh Amendment and Supplement to Skywalk Agreement with Employers Mutual Casualty (EMC) Company. ([Council Communication No. 22-497](#)) **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**

- [22-1689](#) (1) **First** consideration of ordinance to adopt a new Skywalk System Plan Map pursuant to Section 102-319 of the Municipal Code removing Skywalk Bridge 7C-7D and Skywalk Corridor 7D(s) and adds the Stairway Nodal Area adjoining 701 Walnut Street. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 7-0.**

- 22-1690 (2) **Final** consideration of ordinance above (waiver requested by Matt Anderson, Deputy City Manager), 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, #16,189. Second by Gatto. Motion Carried 7-0.**

ORDINANCES FINAL CONSIDERATION

- [22-1691](#) 59. **Amending** the Municipal Code by enacting Chapter 61 relating to the Vacant Property Registration Ordinance. **Moved by Gatto that this ordinance do now pass, #16,190. Second by Boesen. Motion Carried 7-0.**

- [22-1692](#) (A) **Approving** and adopting administrative fees for the Vacant Property Registration Ordinance. **Moved by Gatto to adopt. Seconded by Boesen. Motion Carried 7-0.**

ORDINANCES SECOND CONSIDERATION

[22-1693](#)

60. [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 second vote for passage. Second by Boesen. Motion Carried 7-0.**

[22-1694](#)

- (A) 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, #16,191. Second by Boesen. Motion Carried 7-0.**

ORDINANCES FIRST CONSIDERATION

[22-1695](#)

61. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes, code correction—update parking restriction to match field conditions on Mulberry Street at 8th Street. ([Council Communication No. 22-488](#)) **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Seconded by Gatto. Motion Carried 7-0.**

[22-1696](#)

- (A) 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, #16,192. Seconded by Gatto. Motion Carried 7-0.**

[22-1697](#)

62. [Amending](#) Chapter 2, 82 and 90 of the Municipal Code eliminating the Neighborhood Revitalization Board and transitioning to the Neighborhood Outreach Advisory Committee. ([Council Communication No. 22-487](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 7-0.**

[22-1698](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Chris Johansen, Neighborhood Services Director), 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, #16,193. Second by Voss. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

[22-1699](#)

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

- (A) Jenn Bast – did not speak.
- (B) Adam Callanan
- (C) Richard Evans – did not speak.
- (D) Danielle Duggan
- (E) Harvey Harrison
- (F) Laural Clinton
- (G) Alex Struelens
- (H) Heather Armstrong – did not speak.
- (I) Garland Armstrong – did not speak.
- (J) Kyle Landsberger
- (K) Carrie Gosnell

[22-1700](#)

MOTION TO ADJOURN. Moved by Gatto to adjourn at 7:17 PM. Second by Boesen. Motion Carried 7-0.

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