



\*\*\* 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**

November 21, 2022  
5:00 PM

I. **CLOSED SESSION – 3:00 PM**

[22-1763](#)

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

[22-1764](#)

- (B) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C, of the Iowa Code, to discuss necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City. **Moved by Voss to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

[22-1765](#)

- (C) Closed Session. **Council Member Mandelbaum left the meeting at approximately 4:30 PM.**

[22-1766](#)

- (D) Terminate closed session and reconvene in open session. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 5-2. Absent: Sheumaker and Mandelbaum.**

[22-1767](#)

(E) Motion to adjourn. **Moved by Boesen to adjourn at 4:45 PM. Second by Westergaard. Motion Carried 5-2. Absent: Sheumaker and Mandelbaum.**

\* \* \* \* \*

**PROCLAMATIONS – 4:55 PM**

**Native American Heritage Month**

[22-1768](#)

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

[22-1769](#)

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Second by Mandelbaum. Motion Carried 6-1. Absent: Sheumaker.**

[22-1770](#)

3. APPROVING CONSENT AGENDA \* – items 3 through 47: **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**

[22-1771](#)

4. **Approving Alcoholic Beverage License Applications for the following: Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker. Council Member Gatto declares a conflict of interest and abstains from voting on item 4-II.**

**NEW APPLICATIONS**

|     |                            |                   |                 |
|-----|----------------------------|-------------------|-----------------|
| (A) | TULLPA NOVO ANDINA         | 3708 MERLE HAY RD | Class C Liquor  |
| (B) | VARIED INDUSTRIES BUILDING | 3000 E GRAND AVE  | Special Class C |
| (C) | VARSITY CINEMA             | 1207 25TH ST      | Class C Liquor  |

**RENEWAL APPLICATIONS**

|     |                       |                    |                |
|-----|-----------------------|--------------------|----------------|
| (D) | 821 SQ LIQUOR         | 821 E EUCLID AVE   | Class E Liquor |
| (E) | BIANCHIS HILLTOP      | 2820 HUBBELL AVE   | Class C Liquor |
| (F) | BREAKFAST CLUB        | 212 E 3RD ST       | Class C Liquor |
| (G) | C FRESH MARKET        | 801 UNIVERSITY AVE | Class E Liquor |
| (H) | CHAMPS CLUB AND PATIO | 2279 HUBBELL AVE   | Class C Liquor |
| (I) | EASTGATE LAUNDROMAT   | 1424 E OVID AVE    | Class B Beer   |
| (J) | ESTRADAS              | 3029 MERLE HAY RD  | Class C Liquor |

|      |                           |                      |                 |
|------|---------------------------|----------------------|-----------------|
| (K)  | EUROPA GROCERIES          | 3839 MERLE HAY RD    | Class C Beer    |
| (L)  | FELIX & OSCARS            | 4050 MERLE HAY RD    | Class C Liquor  |
| (M)  | FLEUR CINEMA & CAFE       | 4545 FLEUR DR        | Special Class C |
| (N)  | FLIX BREWHOUSE IOWA       | 3800 MERLE HAY RD    | Class C Liquor  |
| (O)  | FONGS PIZZA               | 223 4TH ST           | Class C Liquor  |
| (P)  | GAMEDAY KITCHEN           | 3800 MERLE HAY RD    | Class C Liquor  |
| (Q)  | HIGH LIFE LOUNGE          | 200 SW 2ND ST        | Class C Liquor  |
| (R)  | JUNIPER MOON              | 2005 INGERSOLL AVE   | Class C Liquor  |
| (S)  | KUM & GO #4110            | 2110 GUTHRIE AVE     | Class E Liquor  |
| (T)  | LA BAJA COSINA MEXICANA   | 1938 SE 6TH ST #101  | Class C Liquor  |
| (U)  | MARDI GRAS THE BIG EASY   | 6112 SW 9TH ST       | Class C Liquor  |
| (V)  | PARK AVENUE PUB           | 1101 PARK AVE        | Class C Liquor  |
| (W)  | QUIK TRIP #523R           | 849 ARMY POST RD     | Class C Beer    |
| (X)  | QUIK TRIP #541            | 2428 HUBBELL AVE     | Class C Beer    |
| (Y)  | ROYAL MILE, THE           | 210 4TH ST           | Class C Liquor  |
| (Z)  | SAHOTA FOOD MART          | 1805 SE 14TH ST      | Class E Liquor  |
| (AA) | SKIPS                     | 4000 FLEUR DR        | Class C Liquor  |
| (BB) | SOUTH SIDE SMOKE AND VAPE | 3324 INDIANOLA AVE   | Class C Beer    |
| (CC) | SUDSUCKERS                | 1511 E ARMY POST RD  | Class C Liquor  |
| (DD) | TASTE! TO GO AND CATERING | 322 E COURT AVE #100 | Class C Liquor  |
| (EE) | TOBACCO HUT               | 5714 HICKMAN RD      | Class C Beer    |
| (FF) | TRIANGLE TAP              | 2506 POST ST         | Class C Liquor  |
| (GG) | TUMEA AND SONS            | 1501 SE 1ST ST       | Class C Liquor  |
| (HH) | WESLEY ACRES              | 3520 GRAND AVE       | Class A Liquor  |

**SPECIAL EVENT APPLICATIONS**

(II) BARATTAS 519 PARK ST 5 days  
CLASS C LIQUOR LICENSE FOR IOWA DEPARTMENT OF CULTURAL AFFAIRS EVENT  
ON DECEMBER 9, 2022.

(JJ) IOWA EUROPEAN CULTURAL 1 LINE DR (PKG LOT) 5 days  
CLASS C LIQUOR LICENSE FOR CHRISTKINDLMARKET DES MOINES ON DECEMBER 1  
- 5, 2022.

(KK) REBECCA OLIVA 3000 E GRAND AVE 5 days  
CLASS C LIQUOR LICENSE FOR A WEDDING ON DECEMBER 17, 2022.

(LL) SALISBURY HOUSE 4025 TONAWANDA DR 5 days  
CLASS C LIQUOR LICENSE FOR HOLLY & IVY HOME TOUR AND HOLIDAY CONCERT  
ON DECEMBER 2 - 4, 2022.

**TRANSFER TO NEW LOCATION**

(MM) 4H BUILDING 3000 E GRAND AVE #496  
TEMPORARY TO THE ELWELL FAMILY FOOD CENTER FOR AN EVENT ON DECEMBER  
13, 2022.

(NN) ELWELL FAMILY FOOD CENTER 3000 E GRAND AVE #052  
TEMPORARY TO THE 4H BUILDING FOR AN EVENT ON DECEMBER 13, 2022.

- [22-1772](#) 5. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

## PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[22-1773](#) (A) [2023](#) Traffic Signal Replacement Contract 1: Receiving of bids, (12-13-22) and Setting date of hearing, (1-9-23), Engineer's estimate, \$900,000. ([Council Communication No. 22-544](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-1774](#) (B) [E.](#) Court Avenue Reconstruction from Des Moines River to E. 7<sup>th</sup> Street: Receiving of bids, (12-13-22) and Setting date of hearing, (1-9-23), Engineer's estimate, \$6,800,000. ([Council Communication No. 22-530](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-1775](#) (C) [Stone](#) Park Community Garden: Receiving of bids, (12-13-22) and Setting date of hearing, (1-9-23), Engineer's estimate, \$650,000. ([Council Communication No. 22-536](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-1776](#) (D) [SW](#) 11<sup>th</sup> Street from West ML King Jr. Parkway to Dart Way Improvements: Receiving of bids, (12-13-22) and Setting date of hearing, (1-9-23), Engineer's estimate, \$285,000. ([Council Communication No. 22-535](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-1777](#) 7. [Approving](#) and authorizing the execution of an Addendum to the Iowa Department of Transportation (Transportation Alternatives Program) Agreement for the Carlisle Trail Connection Project. ([Council Communication No. 22-540](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-1778](#) 8. [Approving](#) and authorizing the execution of the Iowa Department of Transportation (State Recreation Trails) Agreement for the Carlisle Trail Connection Project. ([Council Communication No. 22-539](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-1779](#) 9. [Approving](#) 28E Agreement with the City of West Des Moines for major reconstruction on SW 63<sup>rd</sup> Street/SE 1<sup>st</sup> Street from Willow Creek Avenue/SE Willow Creek Drive (formerly Army Post Road) to the dead end north of Willow Creek Avenue/SE Willow Creek Drive (formerly) Army Post Road. ([Council Communication No. 22-533](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [22-1780](#) 10. [Approving](#) Professional Services Agreement with Felsburg Holt & Ullevig, Inc. for the Grand Avenue and Locust Street One-Way to Two-Way Conversion Study, not to exceed \$327,405. ([Council Communication No. 22-532](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1781](#) 11. [Approving](#) Professional Services Agreement with SmithGroup, Inc. for Birdland Park Phase 1 Improvements, not to exceed \$798,630. ([Council Communication No. 22-538](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1782](#) 12. [Approving](#) Professional Services Agreement with Olsson, Inc. for Traffic Engineering Services for the Traffic Signal System Timing Updates – Phase 5, not to exceed \$334,958.23. ([Council Communication No. 22-523](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1783](#) 13. [Accepting](#) completed construction and approving final payment for 34<sup>th</sup> Street and Urbandale Sidewalk and Intersection Improvements, TK Concrete, Inc. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

#### SPECIAL ASSESSMENTS

- [22-1784](#) 14. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2022-03. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1785](#) 15. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2022-12. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

#### LAND/PROPERTY TRANSACTIONS

- [22-1786](#) 16. [Conditionally](#) approving final subdivision plat and acceptance of subdivision bond for Grover Woods Plat 2. ([Council Communication No. 22-542](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1787](#) 17. [Approving](#) final subdivision plat and acceptance of subdivision bond for Southwoods Estates Plat 3. ([Council Communication No. 22-521](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1788](#) 18. [Partially](#) releasing Letter of Credit Surety for Parkside Estates Plat 1. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [22-1789](#) 19. [Approving](#) merger of the Fort Des Moines Neighborhood Association, Magnolia Park Neighborhood Association and South Park Neighborhood Association and creation of the South Central DSM Neighborhood Association in accordance with the Neighborhood Recognition Policy. ([Council Communication No. 22-520](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1790](#) 20. [Communication](#) from Dory Briles advising of her resignation from the Plan and Zoning Commission, Seat 7, effective December 16, 2022. **Moved by Gatto to receive, file and accept her resignation with appreciation for her service. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1791](#) 21. [Recommendation](#) from Council Member Voss to appoint Carol Maher to the Plan and Zoning Commission, Seat 7, commencing on December 16, 2022, expiring June 30, 2024. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1792](#) 22. [Approving](#) appointments to the Youth Advisory Board for a term expiring July 31, 2023 as follows: **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- (A) Natalia Guerra-Ceron
  - (B) Hannah Hayes
  - (C) Idris Abdullahi
  - (D) Lucy Swauger
  - (E) Fardowsa Mohamed
  - (F) Bradlee Gross
  - (G) Raegan Park
  - (H) Destiny King
  - (I) Hlaw Meh
  - (J) Trey Jackson
  - (K) Akaiyah Lee

## SETTING DATE OF HEARINGS

- [22-1793](#) 23. [On](#) vacation of a portion of E. Walnut Street and E. 4<sup>th</sup> Street right-of-way adjoining 321 E. Walnut Street and conveyance of a sidewalk café lease to Northwestern Hospitality, LLC for \$643 per year, (12-12-22) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1794](#) 24. [On](#) vacation of Dixon Court right-of-way adjoining 1626 Dixon Street and conveyance to Liberty Holdings, Inc., \$8,440, (12-12-22). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [22-1795](#) 25. **On** conveyance of a portion of vacated SE 4<sup>th</sup> Street right-of-way adjoining 403 Scott and 605-619 SE 4<sup>th</sup> Street to Artistic Iron Properties, LC, \$32,100, (12-12-22). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1796](#) 26. **On** request from Alejandro J. Munoz De La Cruz (Owner) for property located at 1117 26th Street to rezone the property from “N5” Neighborhood District to “N5-2” Neighborhood District to allow reuse of the existing structure for a duplex use, (12-12-22). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1797](#) 26-I **On** the proposition to authorize a lease purchase agreement in the principal amount not-to-exceed \$100,000 for the purpose of acquiring certain items of equipment consisting of three (3) electric vehicles for use by the Des Moines Public Library, (12-12-22). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [22-1798](#) 27. **Approving** payment to Katie Saravia for an auto damage claim. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1799](#) 28. **Approving** payment to Spencer and Rosalinda Wright for an auto damage claim. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

#### APPROVING

- [22-1800](#) 29. **Home** Investment Partnerships Program (HOME) Community Housing Development Organization (CHDO) funding for Home Opportunities Made Easy, Incorporated (HOME, Inc.) to construct an affordable single-family home at 3806 8<sup>th</sup> Street, \$200,000. (**Council Communication No. 22-528**) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1801](#) 30. **First** Amendment to the Amended and Restated Urban Renewal Development Agreement with The District Developer, LLC. (**Council Communication No. 22-543**) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1802](#) 31. **Preliminary** terms of an Urban Renewal Development Agreement with Turrin, LLC for the new construction of a 360-unit, 32 story multi-family apartment tower located at 515 Walnut Street. (**Council Communication No. 22-547**) **Moved by Gatto to adopt. Second by Mandelbaum. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1803](#) 32. **Authorizing** City Manager to negotiate and execute a grant agreement with Turrin, LLC for affordable housing at 515 Walnut Street. (**Council Communication No. 22-551**) **Moved by Gatto to adopt. Second by Mandelbaum. Motion Carried 6-1. Absent: Sheumaker.**

- [22-1804](#) 33. [Authorizing](#) City Manager to negotiate and execute a grant agreement with Star Apartments, LLC for affordable housing at 2701 Ingersoll Avenue. ([Council Communication No. 22-550](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1805](#) 34. [First](#) amendment to cooperative agreement between Polk County and the Central Iowa Watershed Management Authorities to provide funding for an additional Watershed Coordinator position. ([Council Communication No. 22-546](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1806](#) 35. [Grant](#) agreement with the Waveland Trolley Loop Foundation for Waveland Trolley Loop Project. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1807](#) 36. [Release](#) of special assessments and partial releases of judgement liens for certain properties acquired through the tax sale certificate process. ([Council Communication No. 22-526](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1808](#) 37. [Intergovernmental](#) transfer of public funds pursuant to agreement with Iowa Department of Human Services and approval of agreement for Fiscal Year 2023-2024. ([Council Communication No. 22-529](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1809](#) 38. [Purchase](#) from Halcore Group, Inc. d/b/a Horton Emergency Vehicles, through its local vendor Foster Coach Sales, Inc. (Steve Foster, President) of two (2) Type 1 replacement ambulances per Sourcewell Cooperative Agreement for use by the Fire Department, \$901,964. ([Council Communication No. 22-534](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1810](#) 39. [Purchase](#) from Electric Pump (Tim Miller, President), as sole area-wide distributor, one (1) Flygt submersible axial flow pump and startup services for use by the Public Works Department, \$78,115. ([Council Communication No. 22-519](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1811](#) 40. [Purchase](#) from Toter, Inc. (Chad Coquette, Executive Director/CEO) for solid waste collection carts per Sourcewell Contract for use by the Public Works Department, additional funds \$200,000. ([Council Communication No. 22-518](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1812](#) 41. [Purchase](#) from Waldinger Corporation (Thomas Koehn, CEO) for water installation services per State of Iowa Master Agreement for use by the Facilities Division, \$62,983. ([Council Communication No. 22-522](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**



[22-1813](#)

42. [Procurement](#) from Kellner Auction (James Kellner, Owner) for a three (3) year contract with one (1) additional three-year renewal option to furnish auctioneering services to dispose of abandoned and/or surplus vehicles from the Police Department Property Management section, estimated annual cost \$50,000. ([Council Communication No. 22-549](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

43. Items regarding Annual Urban Renewal Report (AURR) and Tax Increment Financing (TIF) Certification: ([Council Communication No. 22-541](#))

[22-1814](#)

- (A) [Advance](#) of funds to the Metro Center Urban Renewal Project for planning, oversight, and administration, \$800,000. **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-1815](#)

- (B) [Communication](#) from the City Manager on Tax Increment Financing (TIF) needs for FY 2023-2024 and certification of TIF indebtedness. **Moved by Gatto. Second by Voss to adopt the recommendations contained in Council Communication No. 22-541 for tax increment financing (TIF) needs for each urban renewal area and to direct the City Manager or his designee to notify the County Auditor of the City of Des Moines' need for a total of \$42,916,725 of tax increment financing revenue for FY 2023-2024 and to make the necessary timely certifications of the amount of loans, advances, indebtedness or bonds including interest negotiated on such loans, advances, indebtedness or bonds which qualify for payment from TIF for each urban renewal area in accordance with Iowa Code Section 403.19 and if there are subsequent reductions in tax increment valuations prior to certification, the City Manager or his designee is authorized to decrease the TIF needs requirement as to be in compliance with the Council's TIF policy. Motion Carried 6-1. Absent: Sheumaker.**

[22-1816](#)

- (C) [Urban](#) Renewal Reports for Urban Renewal Plans and Areas within the City of Des Moines. **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-1817](#)

44. [Expenditures](#) of ARPA funds. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

45. Abatement of public nuisances as follows:

[22-1818](#)

- (A) [3724](#) Indianapolis Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-1819](#)

- (B) [120](#) E. Titus Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

46. Communication of fire escrow at the following locations:

[22-1820](#)

(A) [1063](#) 40<sup>th</sup> Street. **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 October 31, 2022, if owner(s) has not demolished or renovated the structure. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-1821](#)

(B) [1306](#) E. 27<sup>th</sup> Court. **Moved by Gatto to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of mail received on October 12, 2022, if owner(s) has not demolished or renovated the structure. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-1822](#)

47. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 21, 28 and December 5, 2022; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 21, 28 and December 5, 2022; to draw checks for biweekly payroll due December 2, 2022. **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**

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

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 48 THRU 59)**

[22-1823](#)

48. [On](#) vacation of a portion of Beaverdale Park, 3333 Adams Avenue, located along the western park boundary, and approval of a Land Exchange Agreement with Steven G. Berry and Linda K. Berry as Trustees of the Steven G. Berry and Linda K. Berry Revocable Trust U/A dated April 16, 2019. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[22-1824](#)

(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 6-1. Absent: Sheumaker.**

[22-1825](#)

(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, #16,199. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [22-1826](#) 49. **On** vacation of a portion of 7th Street, Walnut Street and Mulberry Street right-of-way adjoining 207 7th Street and conveyance of a Permanent Easement for Building Encroachment and a Permanent Easement for Subsurface Building Encroachment to Lawmark, LP, \$102,128. ([Council Communication No. 22-537](#)) **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1827](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1828](#) (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, #16,200. Seconded by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1829](#) 50. **On** conveyance of a portion of vacated SE 4th Street right-of-way located east of and adjoining 303 Scott Avenue to OneSpeed DSM, LLC, \$45,400. **Moved by Gatto to adopt. Second by Mandelbaum. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1830](#) 51. **On** conveyance of a portion of vacated SE 2nd Street right-of-way located west of and adjoining 303 Scott Avenue to OneSpeed DSM, LLC, \$17,400. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1831](#) 52. **On** request from Electrical Workers Foundation (Patrick Wells, Officer) for property located at 850 18th Street to rezone the property from “RX1” Mixed Use District and “NX2a” Neighborhood Mix District to “RX1” Mixed Use District to allow reuse of the existing building for a medical office use. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1832](#) (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 6-1. Absent: Sheumaker.**
- [22-1833](#) (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, #16,201. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

[22-1834](#)

53. **On** request from ILEX Group, Inc. (Ben Schultes, Officer) for property located in the vicinity of 4600 E. 14th Street to amend PlanDSM Creating Our Tomorrow Plan to assign the Industrial within a Community Node future land use classification for the property and to rezone the property from “A” Agriculture District to “I1” Industrial District to allow development of an industrial use in coordination with the property adjacent to the west. **Moved by Westergaard to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

[22-1835](#)

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

[22-1836](#)

- (B) **Final** consideration of ordinance above (waiver requested by the applicant), 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, #16,202. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

[22-1837](#)

54. **On** request from City of Des Moines and Board of Water Works Trustees (Ted Corrigan, Officer) for property located in the vicinity of 2508 George Flagg Parkway to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park to Industrial, and to rezone the property from “EX” Mixed Use District to limited “I1” Industrial District to allow outdoor storage that would be accessory to an office and garage building and to continue to the December 12, 2022 Council Meeting. **Moved byMandelbaum to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

WITHDRAWN

[22-1838](#)

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

[22-1839](#)

55. **On** request from Sheldon Roney (Owner) for property located at 1626 E. Park Avenue to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential Use to Community Mixed Use, and to rezone the property from “N3a” Neighborhood District to “MX3” Mixed Use District to allow the use of an accessory structure for a motor vehicle repair business. **Moved by Gatto and Second by Mandelbaum to DENY the proposed amendment to the PlanDSM Creating Our Tomorrow Comprehensive Future Land Use Plan designation and to DENY the rezoning. Motion Carried 6-1. Absesnt: Sheumaker.**

[22-1840](#)

56. **On** the proposed Thirty First Amendment to the Urban Renewal Plan for the Metro Center Urban Renewal Area. ([Council Communication No. 22-548](#)) **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

- [22-1841](#) 57. **On** 2023 Midblock Pedestrian Signal Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Jasper Construction Services, Inc. (Cliff Rhoads, President), \$738,820. ([Council Communication No. 22-524](#)) **Moved by Gatto to adopt. Second by Mandelbaum. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1842](#) (A) **Approval** of contract and bond and permission to sublet. **Moved by Gatto to adopt. Second by Mandelbaum. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1843](#) 58. **On** Easton Boulevard Reconstruction – E 33<sup>rd</sup> Street to Fourmile Creek: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as All Star Concrete, LLC (Alex Vazquez, Member and Manager), \$1,454,255.24. ([Council Communication No. 22-545](#)) **Moved by Westergaard to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1844](#) (A) **Approval** of contract and bond and permission to sublet. **Moved by Westergaard to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1845](#) 59. **On** Riverview Stage Electrical Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Central Iowa Mechanical Company (Larry D. Goode, Jr., President), \$96,300. ([Council Communication No. 22-531](#)) **Moved by Westergaard to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1846](#) (A) **Approval** of contract and bond and permission to sublet. **Moved by Westergaard to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

\*\*\* END OF HEARINGS 5:23 PM \*\*\*

## ORDINANCES FIRST CONSIDERATION

- [22-1847](#) 60. **Amending** Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: ([Council Communication No. 22-525](#)) **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**
- (A) Code changes to establish a passenger loading and unloading zone on 7th Street between Grand Avenue and Locust Street.
- (B) Code change to match field conditions on 6th Avenue between Grand Avenue and High Street.
- [22-1848](#) (C) Final consideration of ordinance above, requires six votes. **Moved by Mandelbaum that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #16,203. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1849](#) 61. **Amending** Table 135-2.22-1 of the Zoning Ordinance relating to accessory structures in an “F” zoning district and design alternatives relating to permitted accessory structures. **Moved by Mandelbaum and seconded by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1850](#) (A) **Final** consideration of ordinance above (waiver requested by the Development Services Director), requires six votes. **Moved by Mandelbaum and seconded 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, #16,204. Motion Carried 6-1. Absent: Sheumaker.**
- [22-1851](#) (B) **Receive** and file communication from the Plan and Zoning Commission. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

## COMMUNICATIONS/REPORTS

- [22-1852](#) 62. **Requests** to speak as follows: **Moved by Gatto to receive and file. Second by Mandelbaum. Motion Carried 6-1. Absent: Sheumaker.**
- (A) Carol Maher  
(B) Lori A. Young  
(C) Allan M. Richards

[22-1853](#)

**MOTION TO ADJOURN. Moved by Cownie to adjourn at 5:45 PM. Motion Carried 6-1.  
Absent: Sheumaker.**

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