



***** 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 '23-' 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

March 27, 2023
5:00 PM

PROCLAMATION – 4:50 P.M.

Fair Housing Month

- [23-0364](#) 1. **ROLL CALL: Present: Cownie, Boesen, Gatto, Mandelbaum, Voss and Westergaard. Absent: Sheumaker.**
- [23-0365](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0366](#) 3. **APPROVING CONSENT AGENDA * – items 3 through 52: Moved by Gatto to adopt the balance of the Consent Agenda. Second by Boesen. 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

[23-0367](#)

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

NEW APPLICATIONS

(A)	4H BUILDING	3000 E GRAND AVE #021	Class C Liquor
(B)	EL SALVADORENO	1234 E EUCLID AVE	Class C Liquor
(C)	PANKA PERUVIAN	3018 FOREST AVE	Class C Liquor
(D)	PAVILION	3000 E GRAND AVE #4	Special Class C

RENEWAL APPLICATIONS

(E)	BEST TRIP	1516 SE 1ST ST	Class E Liquor
(F)	BIG DOG BILLIARDS	4510 E 14TH ST	Class C Liquor
(G)	CHICAGO SPEAKEASY	1520 EUCLID AVE	Class C Liquor
(H)	DOLLAR GENERAL #13292	3102 MERLE HAY RD	Class B Retail
(I)	DOLLAR GENERAL #4554	1020 E ARMY POST RD	Class B Retail
(J)	DOLLAR GENERAL #4991	3223 SE 14TH ST	Class B Retail
(K)	DOLLAR GENERAL #6077	221 63RD ST	Class B Retail
(L)	DOLLAR GENERAL #6725	1428 E OVID AVE	Class B Retail
(M)	DOLLAR GENERAL #6735	2650 INGERSOLL AVE	Class B Retail
(N)	DOWNTOWN PANTRY	218 6TH AVE #101	Class E Liquor
(O)	EATARY/A	2932 INGERSOLL AVE	Class C Liquor
(P)	HAWKEYE ELKS LODGE	1401 WALKER ST	Class A Liquor
(Q)	HY VEE FOOD STORE #3	3221 SE 14TH ST	Class E Liquor
(R)	HY VEE WINE & SPIRITS	2310 HUBBELL AVE	Class E Liquor
(S)	JOHNNYS ITALIAN	6800 FLEUR DR	Class C Liquor
(T)	KUNG FU TAP & TACO	210 INDIANOLA RD	Class C Liquor
(U)	LDS CORNER	344 E JACKSON AVE	Class C Liquor
(V)	LEFTYS LIVE MUSIC	2307 UNIVERSITY AVE	Class C Liquor
(W)	MANNINGS	2102 INDIANOLA AVE	Class C Liquor
(X)	NEW ORIENTAL FOOD	515 E GRAND AVE	Class B Retail
(Y)	NUT POB RESTAURANT	3322 INDIANOLA AVE	Special Class C
(Z)	OASIS	1401 BUCHANAN ST	Class E Liquor
(AA)	OVATIONS FOOD	233 CENTER ST	Class C Liquor
(BB)	ROYAL FOOD & LIQUOR	1443 2ND AVE	Class E Liquor

SPECIAL EVENT APPLICATIONS

(CC)	CHRIST THE KING	5711 SW 9TH ST	5 days
	CLASS C LIQUOR LICENSE FOR 2023 PARISH AUCTION - PROM NIGHT ON APRIL 15, 2023.		
(DD)	YOUR PRIVATE BAR	120 E 5TH ST	5 days
	CLASS C LIQUOR LICENSE FOR A WEDDING ON APRIL 1, 2023.		

- [23-0368](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- [23-0369](#) (A) [2023](#) HMA Resurfacing Program Contract 2: Receiving of bids, (4-11-23) and Setting date of hearing, (5-8-23), Engineer's estimate, \$1,125,000. ([Council Communication No. 23-144](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0370](#) (B) [2023](#) City-wide PCC Pavement Patching Program: Receiving of bids, (4-11-23) and Setting date of hearing, (4-24-23), Engineer's estimate, \$2,733,000. ([Council Communication No. 23-154](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

7. Items regarding the Guthrie Avenue Bridge Rehabilitation over the Union Pacific Railroad project:

- [23-0371](#) (A) [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement number 1-22-STPU-042 for the Guthrie Avenue Bridge Rehabilitation over the Union Pacific Railroad, which rescinds Iowa Department of Transportation Agreement number 1-21-STBG-SWAP-017. ([Council Communication No. 23-139](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0372](#) (B) [Authorization](#) to proceed with acquisition of the necessary property interests for the Guthrie Avenue Bridge Rehabilitation over Union Pacific Railroad. ([Council Communication No. 23-142](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0373](#) 8. [Acceptance](#) of a proposal from MidAmerican Energy Company to remove existing utility poles and relocate overhead utilities underground for E. 4th Street Reconstruction from E. Martin Luther King Jr. Parkway to E. Market Street, estimated cost \$309,041.54. ([Council Communication No. 23-141](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0374](#) 9. [Approving](#) Professional Services Agreement with McClure Engineering Co. d/b/a McClure Engineering Company for professional services for the Birdland Sports Complex Improvements, not to exceed \$145,453. ([Council Communication No. 23-135](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0375](#) 10. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Bolton & Menk, Inc. for additional design services for the 2025 Neighborhood Sidewalk Program, not to exceed \$45,000. ([Council Communication No. 23-138](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0376](#) 11. [Communication](#) from contractors requesting permission to sublet certain items on public improvement project. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0377](#) 12. [Accepting](#) completed construction and approving final payment for 2021 HMA Residential Paving Program Contract 2, Grimes Asphalt and Paving Corporation. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

SPECIAL ASSESSMENTS

- [23-0378](#) 13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2023-02. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0379](#) 14. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2023-03. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

LAND/PROPERTY TRANSACTIONS

- [23-0380](#) 15. [Accepting](#) PUD restoration bond for grading work at Gray's Station Plat 5, continued from March 6, 2023 Council meeting. ([Council Communication No. 23-152](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0381](#) 16. [Approving](#) final subdivision plat for Three Lakes Estates Plat 9. ([Council Communication No. 23-148](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0382](#) 17. [Approving](#) 14 tax abatement applications for the additional value added by improvements completed in 2022. ([Council Communication No. 23-147](#)) **Moved by Gatto to adopt and to approve the applications for the total number of years in the applicable exemption schedule, with the schedule to commence with the taxes payable in FY2022/23. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [23-0383](#) 18. [Recommendation](#) from Council Member Westergaard to appoint Georgia Martin to the Greater Des Moines Sister Cities Commission, Seat 11, to fill a vacancy with a term expiring April 28, 2026. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0384](#) 19. [Recommendation](#) from Council Member Gatto to appoint Kathleen McDonnell to the Des Moines Civil and Human Rights Commission, Seat 7, commencing on April 1, 2023, with term expiring March 31, 2025. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0385](#) 20. [Recommendation](#) from Mayor T.M. Franklin Cownie to reappoint Diane Munns to the Board of Water Works Trustees, Seat 2, for a six-year term commencing April 1, 2023, expiring March 31, 2029. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0386](#) 21. [Recommendation](#) from Council Member Westergaard to reappoint Tiffany Allison to the Historic Preservation, Seat 8, expiring October 17, 2025. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0387](#) 22. [Recommendation](#) from Council Member Westergaard to reappoint Rush Wyckoff to the Building and Fire Code Board of Appeals, Seat 12, with a term expiring March 31, 2026. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0388](#) 23. [Communication](#) from Nathan Blake advising of his resignation from the Zoning Board of Adjustment, Seat 1, effective April 1, 2023. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [23-0389](#) 24. **Regarding** request for review and approval of the Preliminary Plat “Gray’s Station Plat 5” in the vicinity of 1300 Tuttle Street, which would allow for the development of 65 one-household residential lots, one lot containing 2 condo buildings for a total of 84 residential units, a clubhouse amenity building, and two outlots, continued from March 6, 2023 Council meeting. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

SETTING DATE OF HEARINGS

- [23-0390](#) 25. **On** conveyance of a portion of vacated 41st Street located east of and adjoining 4126 Ingersoll Avenue to Plymouth Congregational Church Foundation, \$90,890, (4-10-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0391](#) 26. **On** conveyance of a portion of vacated alley right-of-way located east of and adjoining 835 41st Street to Sarah J. McCurdy, (4-10-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0392](#) 27. **On** request from Chasing Waterfalls, LLC (Christopher Thompson, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for Business Park to Industrial and to rezone the two (2) lots located on the west half of the property at 2215 Sunset Road from “EX” Mixed Use District to Limited “I1” Industrial District to allow outdoor storage for a landscaping business, (4-10-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0393](#) 28. **On** request from TB Building, LLC (Stephen Roney, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Business Park, and to rezone 1202 Thomas Beck Road from “NX1” Neighborhood District to “EX” Mixed Use District to allow multiple uses, including a religious assembly, fabrication and production, and office, (4-10-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0394](#) 29. **On** request from Park Indy, LLC (Abbey Gilroy, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential within a Neighborhood Node to Community Mixed Use within a Neighborhood Node and to rezone the property located in the vicinity of 3140 Indianola Avenue from “NM” Neighborhood District to “NX2” Neighborhood Mix District to allow redevelopment of the property with multiple-household residential units, (4-10-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0395](#) 30. **On** approval of a License Agreement with the Des Moines Area Regional Transit Authority (DART) for bus benches in street right-of-way, (4-10-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
31. On items regarding the budget, (4-10-23): ([Council Communication No. 23-153](#))
- [23-0396](#) (A) **Adoption** of the Capital Improvement Program (CIP) for fiscal year (FY) 2023-24 through FY 2026-27. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0397](#) (B) **On** amendment to the annual budget for current fiscal year ending June 30, 2023. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0398](#) (C) **On** proposed budget for the fiscal year ending June 30, 2024. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [23-0399](#) 32. **Approving** payment to Randy Moore for a workers' compensation claim. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

CITY MANAGER COMMUNICATIONS

- [23-0400](#) 33. **Submitting** travel and training request for T.M. Franklin Cownie. ([Council Communication No. 23-158](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

APPROVING

34. ~~Items related to OpenLoop Health, Inc.:~~ ([Council Communication No. 23-162](#))

WITHDRAWN

- [23-0401](#) (A) ~~Iowa Economic Development Authority (IEDA) contract under the High Quality Jobs (HQJ) Program.~~

WITHDRAWN

- [23-0402](#) (B) ~~Development Agreement.~~

- [23-0403](#) 35. **Economic** development grant of \$25,000 for Native Business Services, LLC for required site plan improvements at 1111 E. Army Post Road. ([Council Communication No. 23-160](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0404](#) 36. [Preliminary](#) terms of an Urban Renewal Development Agreement with HOA Development, LLC for the construction of a 186-unit mixed-use apartment building located at 603 E. 6th Street. ([Council Communication No. 23-161](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
37. Number not used.
- [23-0405](#) 38. [ARPA](#) funding agreement with Wesley Community Services, Inc. (Meals on Wheels) to assist Des Moines residents facing food insecurity. ([Council Communication No. 23-164](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0406](#) 39. [ARPA](#) funding agreement with Homeward Iowa. ([Council Communication No. 23-134](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0407](#) 40. [2022](#) Certified Local Government Annual Report and submittal to the Iowa Department of Cultural Affairs. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0408](#) 41. [Senior](#) Bond Issuance Certificate of Des Moines Metropolitan Wastewater Reclamation Authority Participating Community. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0409](#) 42. [Change](#) Order No. 2 with Cale America, Inc. d/b/a Flowbird for the purchase of additional multi-space meter pay stations and space markers for expansion of the on-street parking system, \$114,150. ([Council Communication No. 23-155](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0410](#) 43. [Updated](#) Neighborhood Traffic Calming Program guidelines. ([Council Communication No. 23-150](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0411](#) 44. [Appointment](#) of Reagan E. Peterson as an Assistant City Attorney I to fill a vacancy within the Legal Department. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0412](#) 45. [City](#) of Des Moines to enter into proposed agreements involving the national opioid settlements with two pharmaceutical manufacturers, Teva and Allergan and three pharmacies, CVS, Walgreens, and Walmart. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0413](#) 46. [Communication](#) from the Greater Des Moines Partnership on behalf of the Downtown Farmers' Market, requesting approval of placement for up to 30 banners to be displayed on banner poles in downtown Des Moines beginning the first week of May 2023. **Moved by Gatto to receive, file and approve. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0414](#) 47. [Communication](#) from the Greater Des Moines Partnership on behalf of the University of Iowa requesting approval of placement for up to 30 banners to be displayed on banner poles in downtown Des Moines beginning the first week of May 2023. **Moved by Gatto to receive, file and approve. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0415](#) 48. [Communication](#) from the Greater Des Moines Partnership on behalf of the Capital City Pride requesting approval of placement for up to 60 banners to be displayed on banner poles in downtown Des Moines beginning the first week of June 2023. **Moved by Gatto to receive, file and approve. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
49. Abatement of public nuisance as follows:
- [23-0416](#) (A) [1520](#) 17th Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0417](#) (B) [1611](#) 22nd Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0418](#) (C) [1544](#) Dean Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0419](#) (D) [345](#) Hartford Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
50. Communication of fire escrow at the following locations:
- [23-0420](#) (A) [1019](#) West 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 January 25, 2023, if owner(s) has not demolished or renovated the structure. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0421](#) (B) [4](#) E. Broad 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 January 25, 2023, if owner(s) has not demolished or renovated the structure. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0422](#) (C) [729](#) Boyd Street, release. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0423](#) 51. [Purchase](#) from Safeware Inc. (Edward A. Simons, President) of thermal imaging binoculars and scopes utilizing State of Iowa contract and awarded funding as requested by the Police Department, \$191,549.17. ([Council Communication No. 23-140](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0424](#) 52. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of March 27 and April 3, 2023; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of March 27 and April 3, 2023; to draw checks for biweekly payroll due April 7, 2023. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 53 THRU 70)

- [23-0425](#) 53. **Dismiss** hearing on conveyance of excess City property locally known as 1439 and 1445 Michigan Street to TD & MD, LLC, \$40,000 continued from March 6 Council meeting. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0426](#) 54. **On** conveyance of a portion of vacated 41st Street located east of and adjoining 545 42nd Street by installment contract to St. Augustin’s Church of Des Moines, \$73,000. (**Council Communication No. 23-151**) **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0427](#) 55. **Regarding** request from Westco Hull, LLC (Derek West, Officer) for property located at 2101 Hull Avenue to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for the eastern portion of the property from Low Density Residential to Industrial, and to rezone the property from “I1” Industrial District and “N3a” Neighborhood District to Limited “I1” Industrial District to allow use of the property for a use that includes office and industrial components. **Moved by Westergaard to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0428](#) (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 6-1. Absent: Sheumaker.**
- [23-0429](#) (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, #16,228. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0430](#) 56. **On** request from Penske Truck Leasing Company, LP (Guy Holbert, Officer) for property located at 4101 E. 14th Street, to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for approximately 1.03 acre of the western portion of the property from Community Mixed Use to Industrial and to rezone the entire property from “MX3-V” Mixed Use District to “I1” Industrial District, to allow the expansion and site improvements for the existing truck parking facility. **Moved by Westergaard to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0431](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0432](#) (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, #16,229. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0433](#) 57. On request from WC MRP Des Moines Center, LLC (Natin Paul, Officer) for review and approval of a first amendment to the Southdale PUD Conceptual Plan at 4900 SE 14th Street to allow expansion of a retail use (Home Depot) to include additional outdoor display and merchandising in the parking lot, continued from the March 6, 2023 Council meeting. **Moved by Gatto to continue to the April 10, 2023 Council meeting. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0434](#) 58. On request from Hubbell Realty Company (Caleb Smith, Officer) for review and approval of a first amendment to the Gray’s Station PUD Conceptual Plan for property located in the vicinity of 1300 Tuttle Street to update the realignment of SW 13th Street and to revise review requirements for future PUD Development site plans, continued from March 6, 2023 Council meeting. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0435](#) 59. On requests from Hubbell Realty Company (Caleb Smith, Officer) for review and approval of PUD final development plan for “Grays Station Telus Condos” for property located in the vicinity of 1300 Tuttle Street to allow development of the property with the construction of two condo buildings containing 84 residential units, continued from March 6, 2023 Council meeting. **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0436](#) 60. On request from Hubbell Realty Company (Caleb Smith, Officer) for review and approval of the PUD final development plan for “Gray’s Station Plat 5 Townhomes and Clubhouse” for property located in the vicinity of 1300 Tuttle Street to allow for construction of 65 townhomes and a clubhouse amenity building, continued from March 6, 2023 Council meeting. **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0437](#) 61. On request from Twenty-Five Thirteen Woodland, LLC (Steve Wilke-Shapiro, Officer) for designation of the property at 2513 Woodland Avenue, including a commercial structure, as a Local Landmark named “Harlan’s Barbershop” and Issuance of Certificate of Appropriateness for proposed exterior alterations. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0438](#) 62. On request from Fort Des Moines Memorial Park, Inc (Jack Porter, Officer) for designation of the property at 75 E. Army Post Road, including Clayton Hall Museum and Chapel, as a Local Landmark named “Fort Des Moines Memorial Park.” **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker. Motion by Gatto to receive and file document. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0439](#) 63. On approval of the 2022 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER). ([Council Communication No. 23-146](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0440](#) 64. On a proposed amendment to the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Public/Semi-Public to Downtown Mixed Use for the area bound by Pennsylvania Avenue on the west, Des Moines Street on the south, E. 9th Street on the east, and the freeway (I-235) on the north in the proposed Upper East Village Urban Renewal Area. ([Council Communication No. 23-159](#)) **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0441](#) 65. On the proposed Urban Renewal Plan for the Upper East Village Urban Renewal Area, continued from March 6, 2023 Council Meeting. ([Council Communication No. 23-159](#)) **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0442](#) 66. On 2023-2024 HMA Pavement Scarification and Resurfacing: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as InRoads, LLC (Joseph J. Manatt, CEO), \$251,180. ([Council Communication No. 23-149](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0443](#) (A) Approval of contract and bond and permission to sublet. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0444](#) 67. On 2023 HMA Residential Paving Program Contract 1 - LOSST: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Grimes Asphalt and Paving Corporation (Timothy Mallicoat, President), \$1,051,150.78. ([Council Communication No. 23-143](#)) **Moved by Boesen to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0445](#) (A) Approval of contract and bond and permission to sublet. **Moved by Boesen to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0446](#) 68. On 4th & Grand Parking Garage Skywalk Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Bergstrom Construction, Inc. (Tom Gorgas, President), \$199,999. ([Council Communication No. 23-137](#)) **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0447](#) (A) Approval of contract and bond and permission to sublet. **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[23-0448](#)

69. [On](#) New York Avenue from 44th Street to 45th Street Reconstruction: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as MPS Engineers, PC d/b/a Kingston Services, PC (Umesh G. Shetye, President), \$367,739. ([Council Communication No. 23-156](#)) **Moved by Voss to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0449](#)

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

[23-0450](#)

70. [On](#) Tuttle Street Construction from SW 12th Street to SW 14th Street: 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), \$1,246,190. ([Council Communication No. 23-136](#)) **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0451](#)

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

END HEARINGS at 5:44 PM

APPROVING II

[23-0452](#)

71. [Donation](#) and Naming Agreements for Des Moines North Side Community Recreation Center, approving naming of portions of the Center, and authorizing City Manager to determine effective date of such naming. ([Council Communication No. 23-145](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

ORDINANCES - FIRST CONSIDERATION

[23-0453](#)

72. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: ([Council Communication No. 23-157](#)) **Moved by Westergaard that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0454](#)

- (A) Parking Restriction – 62nd Street between Boston Avenue and Douglas Avenue.
(B) Parking Restriction – State Avenue between E. 29th Street and E. 30th Street.
(C) Parking Restriction – Hull Avenue between E. 39th Street and E. 40th Street.
(D) Final consideration items B and C 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 for items B & C only, #[16,230](#). Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

COMMUNICATIONS/REPORTS

[23-0455](#)

73. [Requests](#) to speak as follows: **Moved by Mandelbaum to receive and file. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- (A) Ruth Thompson
- (B) Adam Callanan

[23-0456](#)

MOTION TO ADJOURN. Moved by Gatto to adjourn at 6:09 PM. Second by Mandelbaum. Motion Carried 6-1. Absent: Sheumaker

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