



.....
Date February 20, 2023

**RESOLUTION SETTING HEARING ON APPEAL OF GASSMANN REAL ESTATE, LLC
ON A DENIAL OF TYPE 2 DESIGN ALTERNATIVES FOR A PUBLIC HEARING SITE
PLAN FOR PROPERTY LOCATED AT 2822 6TH AVENUE**

WHEREAS, at a public hearing held on January 19, 2023, the City Plan and Zoning Commission considered a request from Gassmann Real Estate (owner), represented by Jason Gassmann (Owner), for approval of the Site Plan for Type 2 Design Alternatives waiving the requirement for maximum fence height in street-side yards set forth in Municipal Code Section 135-7.11.3(B)(2) and requirement that no fence shall be electrified set forth in Municipal Code Section 135-7.11.4(B), related to the proposed 10 foot electrified fence installation as shown in the Site Plan submitted for the property located at 2822 6th Avenue; and

WHEREAS, pursuant to Section 135-7.11.3(B)(2) of the Municipal Code, a fence in a street-side yard is restricted to a maximum of six (6) feet of height; and

WHEREAS, pursuant to Section 135-7.11.4(B) of the Municipal Code, no fence shall be electrified, unless all of the following requirements are met:

1. The fence is electrified by a device approved by a nationally recognized testing laboratory as meeting the standard for safety of electric fence controllers, and bears a certificate stated as such.
2. The fence is used in accordance with the manufacturer's suggested installation instructions.
3. The fence is used to confine agricultural animals lawfully kept in compliance with the requirements of chapter 18 of this code.; and

WHEREAS, in its Site Plan, Gassmann Real Estate, LLC proposed to construct a ten (10) foot tall electric security fence in the northern section of the property and the security fence would be constructed twelve (12) inches behind an existing eight (8) foot tall, galvanized chain link fence; and

WHEREAS, the Plan and Zoning Commission voted 12-2 for **DENIAL** of the requested Type 2 Design Alternatives to waive or modify said ordinance requirements to allow the installation of a 10 foot tall electrified fence; and

WHEREAS, Gassmann Real Estate, LLC has timely appealed to the City Council pursuant to Municipal Code Section 135-9.3.9(B), and is seeking further review of the Plan and Zoning Commission decision and denial of the above-described Type 2 design alternative to the Site Plan allowing the installation of a 10 foot tall electrified fence as regulated under Municipal Code Section 135-2.10.3(A)(8).



Date February 20, 2023

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council shall consider the appeal by Gassmann Real Estate, LLC at a public hearing in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa at 5:00 p.m. on March 6, 2023 at which time the City Council will hear both those who oppose and those who favor the proposal.
2. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached, in accordance with Section 362.3 of the Iowa Code.

MOVED BY _____ TO ADOPT.

Second by _____.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill,
Assistant City Attorney

(FENC-2022-000563)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

January 31, 2023

Communication from the City Plan and Zoning Commission advising that at their January 19, 2023 meeting, the following action was taken regarding a request from Gassmann Real Estate, LLC (owner), represented by Parsh Davis (contractor), for review and approval of a Public Hearing Site Plan for property located at 2822 6th Avenue, and for the following Type 2 Design Alternatives in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B), to allow for construction of a 10-foot tall electric security fence:

- a. Four (4) feet over the maximum six (6) feet of height allowed for a fence in a street-side yard, per City Code Section 135-7.11.3(B)(2).
- b. Waiver of the requirement that no fence shall be electrified, per City Code Section 135-7.44.4(B).

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-2 as follows.

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dan Drendel	X			
Leah Rudolphi	X			
Carol Maher	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper				X
Todd Garner	X			
Johnny Alcivar	X			
Justyn Lewis		X		
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	X			
Emily Webb	X			
Katie Gillette		X		

DENIAL of the requested Type 2 Design Alternatives to allow the construction of a 10-foot tall electric security fence.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends denial of the requested Type 2 Design Alternatives to allow the construction of a 10-foot tall electric security fence.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to construct a 10-foot tall electric security fence in the northern section of the property. The security fence would be constructed 12 inches behind an existing 8-foot tall, galvanized chain link fence. Design alternatives are required for the overall height of the fence and the electrification component. Design Alternative review criteria can be found in Section I, subparagraph 10 of this report. Staff analysis of the proposal can be found in Section II of the report.
2. **Size of Site:** 1.482 acres.
3. **Existing Zoning (site):** "I1" Industrial District.
4. **Existing Land Use (site):** The site contains a general commercial building that is used for office and warehousing for a heating and cooling contractor use.
5. **Adjacent Land Use and Zoning:**
 - North** – "P2", Use is the North Side Polk County Community Center.
 - South** – "I1", Use is a one-story office/warehouse building.
 - East** – "I1", Use is a one-story office/warehouse building.
 - West** – "I1", Use is a one-story office/warehouse building.
6. **General Neighborhood/Area Land Uses:** The subject site sits on the west side of 6th Avenue between New York Avenue to the south and Corning Avenue to the north. This is a transitional area, located approximately two miles north of the Downtown core. This area contains a mix of single- and multi-story commercial, office, and warehouse buildings. There is low-density residential housing to the north and east of the site.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Oak Park Neighborhood. The neighborhood association was notified of the Commission meeting by emailing of the Preliminary Agenda on January 3, 2023 and of the Final Agenda on January 13, 2023. Notifications of the hearing for this specific item were mailed on January 9, 2023 (10 days prior to the public hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. All notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Oak Park Neighborhood notice was mailed to Sherri Rosener, 1206 Oak Park Avenue, Des Moines, IA 50313.

8. Relevant Zoning History: N/A.

9. PlanDSM Future Land Use Plan Designation: Industrial.

10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission shall determine if such Preliminary Plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code, and the City Subdivision Ordinance and shall approve, conditionally approve or reject such Plat within 45 days after the date of submission to the City Permit and Development Center. Unless the applicant agrees in writing to an extension of time, the Preliminary Plat shall be deemed approved if the Commission does not act within such 45-day period. The Commission's action for approval or conditional approval shall be null and void unless the Final Plat is submitted to the City Permit and Development Center within 270 days after the date of such action; provided, however, that the Permit and Development Administrator may grant, upon written request of the applicant, up to a 90-day extension for submittal of the Final Plat to the City Permit and Development Center.

Pursuant to Section 135-9.1.1.B of the Planning and Design Ordinance, the site plan review requirements of Chapter 135 are designed to ensure the orderly and harmonious development of property in a manner that shall:

- Promote the most beneficial relation between present and proposed future uses of land and the present and proposed future circulation of traffic throughout the city;
- Permit present development of property commensurate with fair and orderly planning for future development of other properties in the various areas of the city with respect to the availability and capacity, present and foreseeable, of public facilities and services. The factors to be considered in arriving at a conclusion concerning proposed present development of property shall include the following:
 - The maximum population density for the proposed development, the proposed density of use, and consideration of the effect the proposal will have on the capacity of existing water and sanitary sewer lines to the end that existing systems will not become overloaded or capacity so substantially decreased that site use will inhibit or preclude planned future development;
 - Zoning restrictions at the time of the proposal;
 - The city's comprehensive plan;
 - The city's plans for future construction and provision for public facilities and services; and
 - The facilities and services already available to the area which will be affected by the proposed site use;
 - Encourage adequate provision for surface and subsurface drainage, in order to ensure that future development and other properties in various areas of the city will not be adversely affected;
 - Provide suitable screening of parking, truck loading, refuse and recycling disposal, and outdoor storage areas from adjacent residential districts;

- Encourage the preservation of canopied areas and mature trees and require mitigation for the removal of trees; and
- Consider the smart planning principles set forth in Iowa Code Chapter 18B. Based on Chapter Section 135-9.2.4 and 135-9.3.1.B of the Planning and Design Ordinance, Type 2 Design Alternatives are to be considered by the Plan and Zoning Commission after a public hearing whereby the following criteria are considered:

Based on Chapter Section 135-9.2.4 and 135-9.3.1.B of the Planning and Design Ordinance, Type 2 Design Alternatives are to be considered by the Plan and Zoning Commission after a public hearing whereby the following criteria are considered:

- The design alternative provisions of Section 135-9.2.4 are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation's intended purpose and greater consistency with the comprehensive plan.
- Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:
 - An evaluation of the character of the surrounding neighborhood, such as:
 - Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
 - Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s);
 - For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination will be based upon the assumption that such lots, as if developed, comply with the applicable requirements of this chapter for which a design alternative(s) has been requested;
- The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or alternate design documentation reviewed;
- Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general purpose and intent of the comprehensive plan;
- Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent property, the character of the surrounding area or the public health, safety and general welfare;

- Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and
- Other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Fence:** Section 135-7.11.4.B of the Municipal Code states that no fence shall be electrified, unless all of the following requirements are met: 1) The fence is electrified by a device approved by a nationally recognized testing laboratory as meeting the standard for safety of electric fence controllers, and bears a certificate stated as such. 2) The fence is used in accordance with the manufacturer's suggested installation instructions. 3) The fence is used to confine agricultural animals lawfully kept in compliance with the requirements of chapter 18 of City Code. The fence is not being used to confine agricultural animals.

The rationale provided by the applicant states that the reason for the electrified security fence is to prevent trespassing and theft from occurring. These security concerns are not unique to the subject property, the applicant, or the neighborhood. These same security concerns are present elsewhere in the city. The applicant may choose to pursue additional security measures such as additional lighting, video surveillance, or other means.

The subject property is highly visible along a primary north-south corridor (6th Avenue) on the north side of Des Moines. The 10-foot tall fence would add visual clutter by constructing a second fence 12 inches behind an existing 8-foot galvanized chain link fence. The proposed electrified fence would be out of character for the area. The proposal may not resolve the issues that the applicant is facing.

The intention of the code is for electric fences to be used only in areas of the city that contain agricultural uses, specifically for livestock containment. In addition, the height of fences along streets are limited by the code to minimize their impact on the character of the city. Staff recommends denial of the requested Design Alternatives.

2. **Additional Information:** The applicant has noted two Variances that were granted by the Zoning Board of Adjustment to allow similar electric fences under the previous Zoning Code. These decisions were issued in 1999 and 2007 for two properties (3300 Vandalia Rd. and 826 SE 21st St.) in the industrial area located between East Martin Luther King, Jr. Parkway and the Des Moines River. These properties are larger in scale than the subject property and located in remote areas. The decisions made by the Zoning Board of Adjustment and the Plan and Zoning Commission to grant relief to code requirements are based on the unique circumstances of each request and do not establish universal approval for future requests.

SUMMARY OF DISCUSSION

Bert Drost presented staff report and recommendation.

Jason Van Essen clarified that city code only allows electrified fences within agricultural uses associated with livestock.

Emily Webb asked if a barbwire fence would be allowed.

Bert Drost stated no.

Johnny Alcivar asked if there are any electrified fences within the city.

Bert Drost stated there were a few variances approved by the Zoning Board of Adjustment under the previous code for some sites in heavy industrial areas.

Jason Gassmann, Bell Brothers President, 2822 6th Avenue stated since April of 2022, the property has had 5 incidents involving theft with an estimated loss of \$70,000. If they're not able to find a solution, he questions his ability to remain in this location. Jason submitted a list of incidents he referenced during his presentation to the commission.

Michael Pate, representing Amarok, 315 South Maple Street, Columbia, SC stated Amarok has installed this system in 3 other locations within the City of Des Moines. This system runs on a 12-volt battery and is never connected to electrical infrastructure. The batteries are charged by solar panels. Since the installation of the 3 previous systems, no crime has taken place at those locations. The electrified fence will sit 2-feet above the existing fence with minimal intrusiveness.

Johnny Alcivar asked if any pictures of an installed system are available.

Michael Pate stated they only have the illustration that was shown in city staff's presentation. The system will include 20 strands of wire, 4-inches apart up to 4-feet in height. From 4-10 feet, the wires will be separated by 8-inches.

Emily Webb asked if it was possible to be inadvertently shocked.

Michael Pate stated to be shocked, you would have to penetrate the required 2.5-inch aperture. The electrical current would be grounded if you were to penetrate with a piece of metal.

Andrew Lorentzen asked for the criminal history prior to April of 2022.

Jason Gassmann stated they've had an incident at least once a year.

Dan Drendel asked if the electric fence would be off during business hours.

Michael Pate stated yes, it will only be on after business hours. In case of an emergency, a keyed knock switch is given to the local fire department.

Justyn Lewis asked if the electrified fence would replace the existing fence.

Michael Pate stated it's a separate device that would sit 4-8 inches behind the existing fence.

Will Page asked if any adjacent properties have experienced similar crimes.

Jason Gassmann stated Bell Brothers had supplies stolen out of the Des Moines Cold Storage building while they were renting space.

Carolyn Jension asked if the applicant has the opportunity to seek a variance from the Zoning Board of Adjustment if the request is denied.

Jason Van Essen stated no, the Commission is the body that grants relief to standards in Chapter 135 of the City Code. The Commission's decision can be appealed to the City Council.

Carl Maher asked if he believes the proposed improvements to the 6th Avenue corridor will have a positive impact on the safety of his business.

Jason Gassmann stated he hopes it does but something he will not count on until the work is being done.

CHAIRPERSON OPENED THE PUBLIC HEARING

No one was present or requested to speak.

Justyn Lewis asked if they've had conversations with surrounding businesses about the proposal.

Jason Gassmann stated adjacent businesses are aware of their proposal.

Abby Chungath asked if they have looked into alternative security systems.

Jason Gassmann stated not at this time, he has been working on this system since June of 2022 when it was recommended to him.

Justyn Lewis asked where in Des Moines are electrified fences installed.

Jason Van Essen stated city staff is aware of two that are located in heavier industrial areas near Vandalia Road.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Justyn Lewis stated he is leaning towards approval given the due diligence the applicant has made.

Abby Chungath stated she sympathizes with the applicant but has concerns about setting precedent and seeing electrified fences all over this area.

Carolyn Jension stated she doesn't like the message this will send given the \$4 million dollars recently invested into Birdland Park. She advised the applicant to work with City Council members to find other solutions.

Andrew Lorentzen stated he doesn't like the precedent this will set and believes the applicant should state their case in front of City Council.

Francis Boggus stated electrified fences shouldn't be placed in this area, but also sympathizes with the financial and emotional loss the applicant has experienced.

Johnny Alcivar stated he would be voting in opposition, so the applicant has the ability to appeal. This would give City Council the ability to decide which way to go and provide the applicant with the appropriate resources that will continue to help them thrive in this location.

Justyn Lewis asked commissioners if they are unsure due to the aesthetics.

Andrew Lorentzen stated that is part of it, but this situation cannot be solved within the zoning ordinance. If its unsafe for businesses to operate along 6th Avenue, resources within city government need to be reallocated to solve the issues.

COMMISSION ACTION:

Johnny Alcivar made a motion for denial of the requested Type 2 Design Alternatives to allow the construction of a 10-foot tall electric security fence.

Motion passed: 12-2

Respectfully submitted,



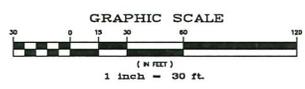
Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 12/28/2022

1 inch = 142 feet

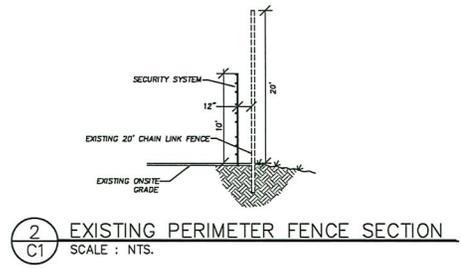
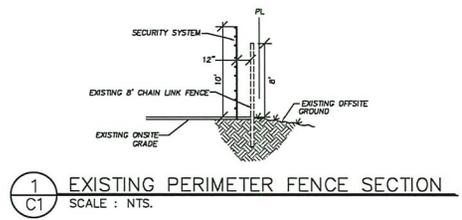
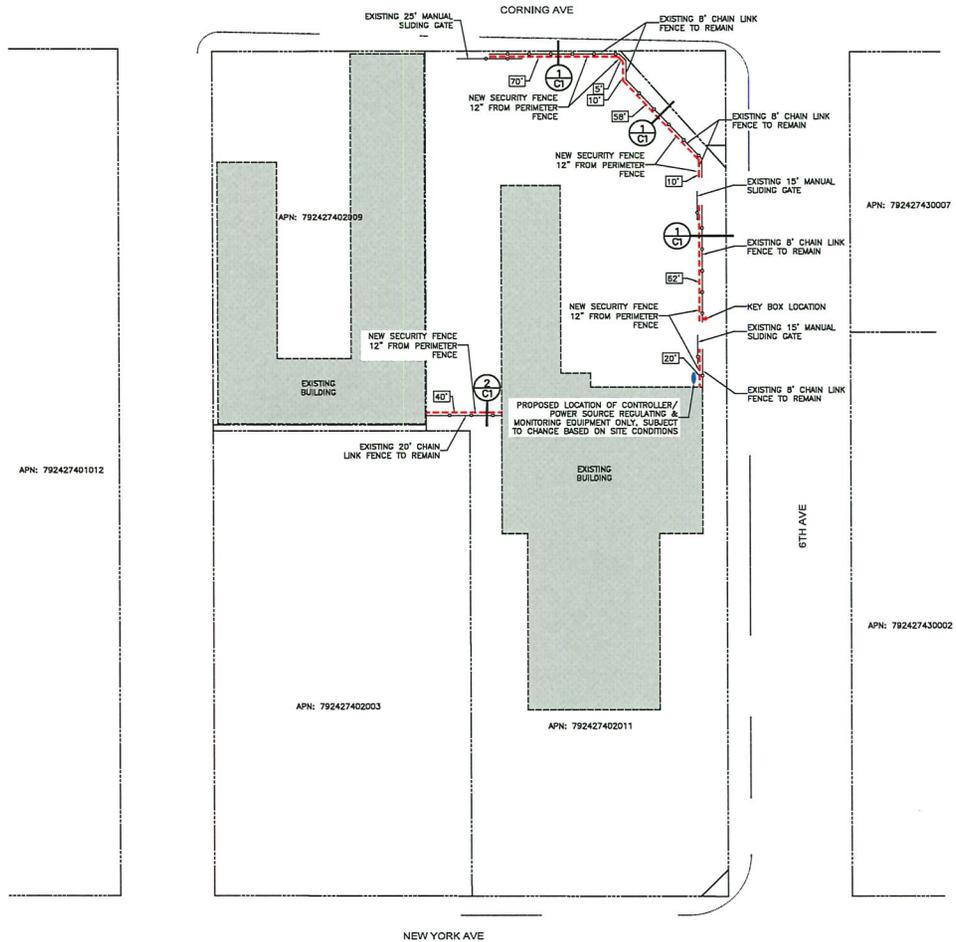


SITE PLAN REQUEST TO AUTHORIZE A SECURITY SYSTEM FOR: TURNPOINT SERVICES 2822 6TH AVE DES MOINES, IA 50313

PROJECT DATA	
APN:	792427402011
ACREAGE:	1.48 ACRES
ZONING:	I-1

LEGEND	
	PROPERTY LINE / ADJ.
	EXISTING FENCE
	PROPOSED SECURITY SYSTEM
	EXISTING SECURITY SYSTEM
	GRAB
	APPROXIMATE LOCATION OF PROPOSED FENCE

#	DATE / DESCRIPTION

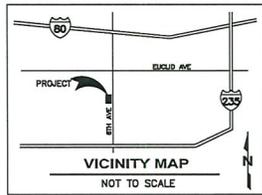


NOTES

POLE LOCATIONS:
STEEL POLES: TO BE LOCATED APPROXIMATELY ON EACH SIDE OF GATES & EVERY 90° (OR GREATER) TURN IN FENCE LINE. FIBERGLASS INTERMEDIATE POLES TO BE LOCATED APPROXIMATELY EVERY 30° AND STEEL POLES NOT TO EXCEED 300' MAX SPACING

DISCLAIMER:
POLE LOCATIONS MAY SLIGHTLY DEVIATE FROM STIPULATIONS ABOVE DUE TO ON-SITE CONDITIONS

STORM DRAIN
NO STORM DRAIN IS BEING PROPOSED AS PART OF THIS PROJECT.



SITE PLAN
SCALE : 1" = 30'-0"



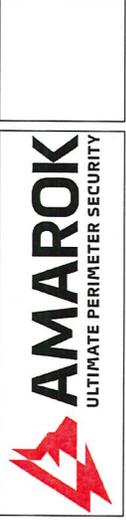
PROJECT: TURNPOINT SERVICES
2822 6TH AVE
DES MOINES, IA 50313

SHEET TITLE: SITE PLAN

DATE: SEP 16, 2022
SCALE: SEE PLAN

SHEET
C1
of 3

#	DATE / DESCRIPTION

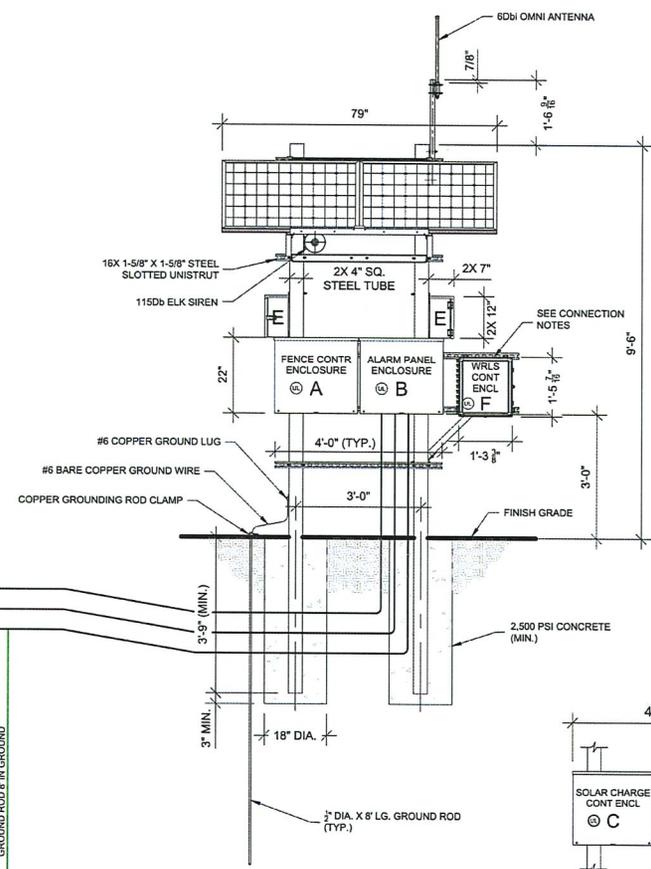
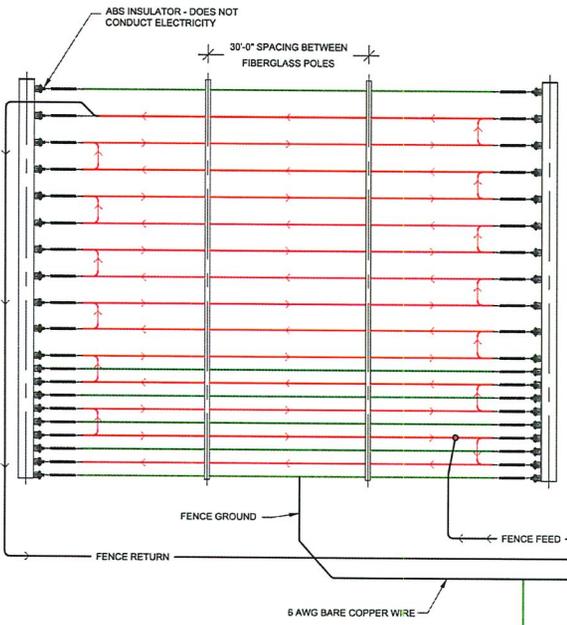


PROJECT: TURNPOINT SERVICES
 2822 6TH AVE
 DES MOINES, IA 50313

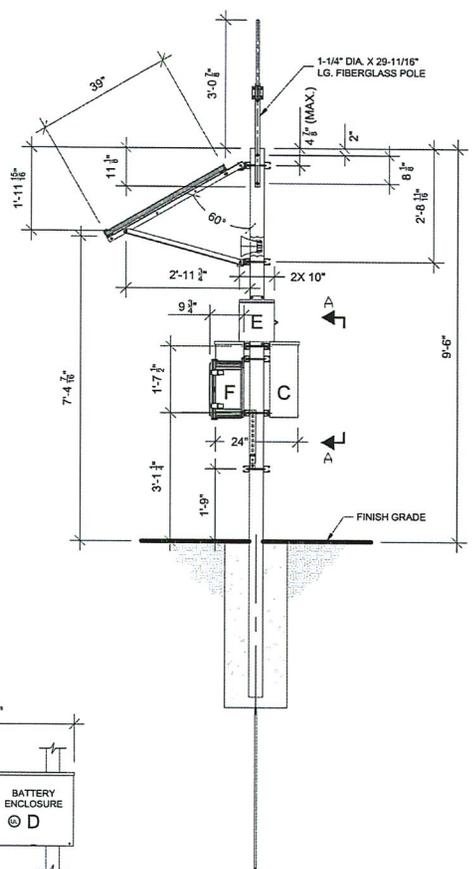
SHEET TITLE: TYPICAL DETAILS

DATE: SEP 16, 2022
 SCALE: SEE PLAN

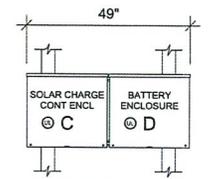
SHEET
C3
 of 3



FRONT ELEVATION



RIGHT SIDE ELEVATION



VIEW A-A
 (KEYPAD/WIRELESS CONTROLLER ENCLOSURES REMOVED FOR CLARITY)

GENERAL NOTE:

EQUIPMENT ARRANGEMENT AND ELEVATION SHOWN ARE FOR REFERENCE ONLY. ACTUAL EQUIPMENT ARRANGEMENT, SHAPE, SIZE, LOCATION, AND QUANTITY ARE CUSTOMER SITE SPECIFIC AND CAN VARY FROM DRAWING DEPICTION.

CONNECTION NOTES:

- A: FENCE CONTROLLER ENCLOSURE - HOUSES THE FENCE ENERGIZER OR EQUIVALENT. THIS BOX CONNECTS TO "A" / ALARM PANEL ENCLOSURE USING THE APS WHP / 10 CONDUCTOR CABLE. ENCLOSURE WEIGHT 22 LBS. (MAX.)
- B: ALARM PANEL ENCLOSURE - HOUSES THE ALARM CONTROL PANEL. THIS BOX INTERCONNECTS TO "B" / FENCE CONTROLLER ENCLOSURE USING THE APS WHP / 10 CONDUCTOR CABLE AND "C" / SOLAR CHARGE CONTROLLER USING TWO CONDUCTOR CABLE. ENCLOSURE WEIGHT 21 LBS. (MAX.)
- C: SOLAR CHARGE CONTROLLER ENCLOSURE - HOUSES POWER ELEMENTS FOR SOLAR CHARGE CONTROLLER AND DISCONNECTS FOR SOLAR, BATTERY, AND LOAD CONNECTIONS. POWER UP PROCEDURE: TURN ON BATTERY BREAKER FIRST, THEN TURN ON SOLAR BREAKER. THE ELECTRONICS POWER IS CONTROLLED BY THE LOAD BREAKER. ENCLOSURE WEIGHT 25 LBS. (MAX.)
- D: BATTERY ENCLOSURE - HOUSES THE BATTERIES AND INTERCONNECTS TO "C" / SOLAR CHARGE CONTROLLER ENCLOSURE USING TWO CONDUCTOR 14G AND 10G THWN WIRES. ENCLOSURE WEIGHT 50 LBS. (MAX.)
- E: KEYPAD ENCLOSURE - HOUSES THE KEYPAD. THIS BOX INTERCONNECTS TO "B" USING 10 CONDUCTOR / 18 AWG WIRE. ENCLOSURE WEIGHT 12 LBS. (MAX.)
- F: WIRELESS CONTROLLER ENCLOSURE - HOUSES THE WIRELESS RADIO CONTROLLER AND RELAYS. CONNECTS TO "A" / SOLAR CHARGE CONTROLLER ENCLOSURE USING TWO CONDUCTOR 14G THWN WIRES. ENCLOSURE WEIGHT 21 LBS. (MAX.)

NOTES:

MOUNT 4 SILVER BOXES TO A PAIR OF HSS TUBE 4"x4"x10 GA (0.134" WALL THICKNESS) ASTM A500 GRADE B OR C 55 KSI YIELD (MIN.) STEEL POLES. BOTTOM OF THE LOWEST BOX MUST BE A MINIMUM OF 3 FEET ABOVE GROUND LEVEL. THE SUPPORT POLES MUST BE EMBEDDED AT A MINIMUM OF 3'-10" BELOW GROUND LEVEL.

ASSEMBLY WEIGHT CHART	
DESCRIPTION	WEIGHT (LBS.)
SOLAR PANELS	61.6
SOLAR PANEL MTG. KIT	27.0
UNISTRUT	108.8
OMNI ANTENNA ASSEMBLY	3.59
SIREN	1.5

ELECTRONICS ARMATURE	
LOCATION	DESCRIPTIVE NAME
MAIN GATE	HEAD-END ELECTRONICS



60







Corning Av

WILLIAMS

WALL



Corning Av



WALMART

WALMART





Case Report

Detail

Agency: Des Moines Police
Department
Agency #: IA0770300

Print Date/Time: 01/27/2023 09:15

General Information

Case Number:	2022-00010753	Reporting Officer:	
Occurred Location:	2822 6TH AVE, DES MOINES, IA 50313	Reported Date:	04/25/2022 09:16
Status:	SUSPENDED	Incident Type:	All Others
Status Date:	05/02/2022	Occurred From:	04/25/2022 09:00
Disposition:		Occurred Through:	
Disposition Date:		Exceptional Clearance Date:	
Scene Processed By:		Significant Event	
Campus Code:		County:	

Assignments

Assigned Personnel:	5091 - Lam, David	Assigned By:	4954 - Frentress, Joseph
Assignment Type:	Lead Investigator	Assigned Date/Time:	04/26/2022 07:49
		End Date:	05/03/2022

Solvability Factors

Description:		Weight:	
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Modus Operandi

Offenses

#	Statute Group	Group Agency	Crime Code	Statute	Description	Offense Date
1	State		220 - Burglary/Breaking & Entering	713.6A(1)	BURGLARY 3RD DEG -- NON VEHICLE - FELD	04/22/2022

Subjects

Number	Type	Name	Address	Contact Information	Race	Sex	DOB
1	Victim	BELL BROS.	2822 6TH AVE, DES MOINES, IA 50313	Home Phone - (515) 244-8911			
2	Suspect	2022-00010753, Unknown S					
3	Reporting Person	GASSMANN, JASON M	710 NW ROCKCREST CIR, ANKENY, IA 50023	Home Phone - (515) 208-3543	White	Male	07/19/1978

Properties

#	Date	Type	Property Loss Type	Description	Name	Subject Role
1	04/25/2022	Vehicle Parts/Accessories	Stolen/Etc.	catalytic converter		

Vehicles

Number	Role	Type	Make/Model	Color	Plate/Registration	Year	State
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Contributing Officers

Number	Report Date/Time	Officer	Supervisor	Approving User	Report Type
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Evidence

Counter	Evidence Type	Code	Description	Current Location	Date Received	Make/Model
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Case Report

Detail

Agency: Des Moines Police
Department

Print Date/Time: 01/27/2023 09:15

Agency #: IA0770300

Status History

Case Status	Status Date	Changed By	Date/Time Changed
In Field	04/25/2022	NWS	04/25/2022 09:20
OPEN - MORE INVESTIGATION	04/27/2022	David Lam	04/27/2022 15:38
SUSPENDED	05/02/2022	David Lam	05/02/2022 13:58

Disposition History

Disposition	Disposition Date	Changed By	Date/Time Changed
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Supplemental Information

Actions Taken	Reasons For No Arrest	Purge Type	Purge Date	Purge Review Date	Non-Fatal Shooting
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Narratives

Name: CIB SUPP Author: 5091 - Lam, David Supervisor: Date Created: 05/02/2022 13:58

Description:

CIB SUPP 22-10753

I received this case from patrol and made contact with Jason Gassman. Jason stated that the event would have occurred on 04/23/22 between 0241 - 0246 hrs. The suspects took the converters to the north gate and leave. Jason suspects that the people who are involved are involved in the 635 7th St address.

Jason stated that he would send video to detectives.

Extra patrol requested for this location.

Pending further leads and video of the incident, and suspect identification, this case will be suspended.



Case Report

Detail

Agency: Des Moines Police
Department
Agency #: IA0770300

Print Date/Time: 01/27/2023 09:17

General Information

Case Number:	2022-00032823	Reporting Officer:	5323 - Herzog, Lanny
Occurred Location:	2822 6TH AVE, DES MOINES, IA 50313	Reported Date:	11/28/2022 07:11
Status:	SUSPENDED	Incident Type:	Burglary
Status Date:	11/29/2022	Occurred From:	11/25/2022 22:00
Disposition:		Occurred Through:	11/28/2022 07:00
Disposition Date:		Exceptional Clearance:	
Scene Processed By:		Exceptional Clearance Date:	
Campus Code:		Significant Event	
		County:	Polk County

Assignments

Assigned Personnel:	5171 - Thies, Kyle	Assigned By:	4919 - House, Garth
Assignment Type:	Lead Investigator	Assigned Date/Time:	11/29/2022 07:53
		End Date:	
Assigned Personnel:	8626 - Warren, Gregory	Assigned By:	4783 - Wilson, Eric
Assignment Type:	Crime Scene Investigator	Assigned Date/Time:	11/28/2022 10:44
		End Date:	

Solvability Factors

Description: Weight:

Modus Operandi

Offenses

#	Statute Group	Group Agency	Crime Code	Statute	Description	Offense Date
1	State		220 - Burglary/Breaking & Entering	713.6A(1)	BURGLARY 3RD DEGREE - 1991 (FELD) - FELD	11/28/2022

Subjects

Number	Type	Name	Address	Contact Information	Race	Sex	DOB
1	Victim	BELL BROTHERS HEATING & COOLING	2822 6TH AVE, DES MOINES, IA 50313				
2	Reporting Person	Gassman, Jason			White	Male	07/19/1978
3	Victim	Mercer, Evan	2822 6TH AVE, DES MOINES, IA 50313		White	Male	
4	Victim	Helmer, Quinn	2822 6TH AVE, DES MOINES, IA 50313		White	Male	
5	Suspect	2022-00032823, Unknown S					

Properties

#	Date	Type	Property Loss Type	Description	Name	Subject Role
1	11/28/2022	Other	Stolen/Etc.	tools, damage to fence, and vehicles		



Case Report

Detail

Agency: Des Moines Police
Department
Agency #: IA0770300

Print Date/Time: 01/27/2023 09:17

Vehicles							
Number	Role	Type	Make/Model	Color	Plate/Registration	Year	State
1	Victim Vehicle	Recreational Vehicle	Chevrolet-EXPRESS		CYZ662	2015	HI
2	Victim Vehicle	Recreational Vehicle	Chevrolet-EXPRESS		GQL949	2018	IA
3	Victim Vehicle	Recreational Vehicle	Chevrolet-C/K1500		BUE669	2012	IA
4	Victim Vehicle	Recreational Vehicle	Chevrolet-EXPRESS		CYZ661	2015	IA

Contributing Officers					
Number	Report Date/Time	Officer	Supervisor	Approving User	Report Type
1	11/28/2022 13:19	5323 - Herzog, Lanny	4949 - Chapman, Mark	Cronin, Kelsey N.	Case Report

Evidence						
Counter	Evidence Type	Code	Description	Current Location	Date Received	Make/Model

Status History			
Case Status	Status Date	Changed By	Date/Time Changed
In Field	11/28/2022	NWS	11/28/2022 08:50
Open	11/28/2022	Cronin, Kelsey N.	11/28/2022 16:11
SUSPENDED	11/29/2022	Kyle Thies	11/29/2022 10:29

Disposition History			
Disposition	Disposition Date	Changed By	Date/Time Changed

Supplemental Information					
Actions Taken	Reasons For No Arrest	Purge Type	Purge Date	Purge Review Date	Non-Fatal Shooting

Narratives			
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Name: Narrative Author: 5323 - Herzog, Lanny Supervisor: 4949 - Chapman, Mark Date Created: 11/28/2022 10:26

Description:

On 28NOV22 I was dispatched to 2822 6th Ave for a theft report.

Upon arriving I spoke with the business owner Jason Gassman.

Jason stated that he had shown up to work today and that four of his work vehicles had been broken into and his employees tools were taken out of them. He stated that this could have happened either Friday night or through the weekend.



Case Report

Detail

Agency: Des Moines Police
Department

Print Date/Time: 01/27/2023 09:17

Agency #: IA0770300

The van referenced under license plate #CYZ662 had the back left window smashed and the door opened up from the inside. The van referenced under license plate #GQL949 had a hole in the back right window and was opened from the inside. The van under license plate #CYZ661 had the back right window smashed with the metal mesh inside cut, then was opened from the inside. The truck referenced under license plate #BUE669 just had the drivers side window smashed in.

Each window smashed is being replaced and Jason informed us it would be bout 4,000\$ to repair.

The vans had tools taken out of them and for the tools to be replaced it is estimated to be about 5,000\$. Personal tools of employee Quinn Helmer were taken from vehicle 101/CYZ661. Gassman also reported that personal tools for employee Evan Mercer were also taken from another van.

The suspects are coming in through the back fence, Jason showed us the hole they cut through the fence and said it would cost about 600\$ to fix it.

Body cameras were worn and activated and Ident was called to process the scene. Lists that Gassman provided of the tools they believe are missing was placed on property.



Case Report

Detail

Agency: Des Moines Police
 Department
 Agency #: IA0770300

Print Date/Time: 01/27/2023 09:18

General Information

Case Number: 2022-00032828 Reporting Officer: 5323 - Herzog, Lanny
 Occurred Location: 2822 6TH AVE, DES MOINES, IA 50313 Reported Date: 11/28/2022 07:11
 Incident Type: Criminal Mischief
 Status: Open Occurred From: 11/23/2022 21:00
 Status Date: 11/28/2022 Occurred Through: 11/24/2022 04:00
 Disposition: Exceptional Clearance:
 Disposition Date: Exceptional Clearance Date:
 Scene Processed By: Significant Event
 Campus Code: County: Polk County

Assignments

Assigned Personnel: 9011 - Howard, Irene Assigned By: 4996 - Kouski, Ronald
 Assignment Type: Lead Investigator Assigned Date/Time: 11/29/2022 07:57
 End Date:

Solvability Factors

Description: Weight:

Modus Operandi

Offenses

#	Statute Group	Group Agency	Crime Code	Statute	Description	Offense Date
1	State		290 - Destruction/Damage/Vandalism of Property	716.6(2)	CRIM MISCH 5TH -- DAMAGE UNDER \$300 - SMMS	11/28/2022

Subjects

Number	Type	Name	Address	Contact Information	Race	Sex	DOB
1	Victim	BELL BROTHERS HEATING & COOLING	2822 6TH AVE, DES MOINES, IA 50313				
2	Reporting Person	Gassman, Jason			White	Male	
3	Suspect	2022-00032828, Unknown S					

Properties

#	Date	Type	Property Loss Type	Description	Name	Subject Role
1	11/28/2022	Struct/Other	Destroy/Dam/Vandal	broken window		

Vehicles

Number	Role	Type	Make/Model	Color	Plate/Registration	Year	State
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Contributing Officers

Number	Report Date/Time	Officer	Supervisor	Approving User	Report Type
1	11/28/2022 13:23	5323 - Herzog, Lanny	4949 - Chapman, Mark	Cronin, Kelsey N.	Case Report

Evidence



Case Report

Detail

Agency: Des Moines Police
Department
Agency #: IA0770300

Print Date/Time: 01/27/2023 09:18

Counter	Evidence Type	Code	Description	Current Location	Date Received	Make/Model
Status History						
Case Status		Status Date	Changed By			Date/Time Changed
In Field		11/28/2022	NWS			11/28/2022 10:35
Open		11/28/2022	Cronin, Kelsey N.			11/28/2022 15:22
Disposition History						
Disposition		Disposition Date	Changed By			Date/Time Changed
Supplemental Information						
Actions Taken	Reasons For No Arrest	Purge Type	Purge Date	Purge Review Date	Non-Fatal Shooting	

Narratives

Name: Narrative Author: 5323 - Herzog, Lanny Supervisor: 4949 - Chapman, Mark Date Created: 11/28/2022 12:52

Description:

On 28NOV22 I was dispatched to a burglary report at 2822 6th Ave.

When meeting with Jason Gassman about the burglary he informed of a window that was broken last Wednesday before the burglary happened.

The broken window is on the east side of the building of an office room.

Body cams were worn and activated.



Case Report

Detail

Agency: Des Moines Police
Department
Agency #: IA0770300

Print Date/Time: 01/27/2023 09:22

General Information

Case Number:	2022-00034437	Reporting Officer:	5078 - Andrews, Mark
Occurred Location:	2822 6TH AVE, DES MOINES, IA 50313	Reported Date:	12/15/2022 07:27
Status:	SUSPENDED	Incident Type:	Burglary
Status Date:	01/11/2023	Occurred From:	12/15/2022 00:00
Disposition:		Occurred Through:	12/15/2022 00:00
Disposition Date:		Exceptional Clearance:	
Scene Processed By:		Exceptional Clearance Date:	
Campus Code:		Significant Event	
		County:	Polk County

Assignments

Assigned Personnel:	5191 - Sanders, Casey	Assigned By:	4936 - Nicolino, Chad
Assignment Type:	Lead Investigator	Assigned Date/Time:	12/19/2022 13:21
		End Date:	
Assigned Personnel:	8626 - Warren, Gregory	Assigned By:	4783 - Wilson, Eric
Assignment Type:	Crime Scene Investigator	Assigned Date/Time:	12/15/2022 11:17
		End Date:	
Assigned Personnel:	8636 - Schmidt, Lindsay	Assigned By:	4783 - Wilson, Eric
Assignment Type:	Crime Scene Investigator	Assigned Date/Time:	12/15/2022 11:18
		End Date:	

Solvability Factors

Description: **Weight:**

Modus Operandi

MO: Break Window, Commercial

Offenses

#	Statute Group	Group Agency	Crime Code	Statute	Description	Offense Date
1	State		23F - Larceny from Motor Vehicle	713.6B(2)	ATTEMPT BURGLARY 3RD DEG -- VEHICLE, 1ST OFF - SRMS	12/15/2022
2	State		290 - Destruction/Damage/Vandalism of Property	716.6(1)(a)(1)	CRIM MISCH 4TH -- DAMAGE \$300 - \$750 - SRMS	12/15/2022

Subjects

Number	Type	Name	Address	Contact Information	Race	Sex	DOB
1	Victim	BELL BROTHERS HEATING & COOLING	2822 6TH AVE, DES MOINES, IA 50313				
2	Complainant	GASSMANN, JASON M	710 NW ROCKCREST CIR, ANKENY, IA 50023	Home Phone - (515) 208-3543	White	Male	07/19/1978



Case Report

Detail

Agency: Des Moines Police
Department
Agency #: IA0770300

Print Date/Time: 01/27/2023 09:22

3 Suspect 2022-00034437,
Unknown S

Properties						
#	Date	Type	Property Loss Type	Description	Name	Subject Role
1	12/15/2022	Vehicle Parts/Accessories	Destroy/Dam/Vandal	Driver's side windows to two vehicles: white 2015 Chevrolet Express (CZ662) and white 2012 Chevrolet Express (367ZKK)		
2	12/15/2022	IBR - None/Unknown	None			

Vehicles							
Number	Role	Type	Make/Model	Color	Plate/Registration	Year	State

Contributing Officers						
Number	Report Date/Time	Officer	Supervisor	Approving User	Report Type	
1	12/15/2022 09:32	5078 - Andrews, Mark	4991 - Walburn, Jeremy	Beth Holton	Case Report	

Evidence						
Counter	Evidence Type	Code	Description	Current Location	Date Received	Make/Model

Status History			
Case Status	Status Date	Changed By	Date/Time Changed
In Field	12/15/2022	NWS	12/15/2022 07:50
Open	12/15/2022	Beth Holton	12/15/2022 16:01
SUSPENDED	01/11/2023	Casey Sanders	01/11/2023 11:23

Disposition History			
Disposition	Disposition Date	Changed By	Date/Time Changed

Supplemental Information					
Actions Taken	Reasons For No Arrest	Purge Type	Purge Date	Purge Review Date	Non-Fatal Shooting



Case Report

Detail

Agency: Des Moines Police
Department
Agency #: IA0770300

Print Date/Time: 01/27/2023 09:22

Narratives

Name: Narrative Author: 5078 - Andrews, Mark Supervisor: 4991 - Walburn, Jeremy Date Created: 12/15/2022 07:59

Description:

On this date, I was dispatched to Bell Brothers Heating and Cooling at 2822 6TH Avenue reference burglary. I met with reporting party and owner Jason Gassmann at that location. He reported unknown suspects cut a hole in a fence at the rear of the business, entered the fenced in parking lot at the front, and broke the front driver's side windows out of two company vans parked at that location. Gassmann stated the suspects were unable to break into the locked cargo area of the vans and no items were stolen in this incident.

Gassmann said the security camera mounted on the back wall of the property went offline at midnight this date. I observed the hole cut in the fence behind the building. The surveillance camera was missing. I observed both windows to the company vehicles broken out. (white 2012 Chevrolet Express, IA: 367ZKK and white 2015 Chevrolet Express, IA: CYZ662). Estimated cost of replacing both windows was \$300.00. It appeared the suspects were unable to breach the access point to the metal cage at the rear of both vehicles. Gassmann said about a month prior company vehicles were broken into at this same location and in the same manner and about \$50,000 worth of tools and equipment was stolen.

The suspects are unknown and there were no known witnesses to the incident. At the time of this report there wasn't any surveillance video of the incident available. Gassmann wanted a report made in this matter. CSI responded to the scene and processed the vehicles.

Name: CID Supp Author: 5191 - Sanders, Casey Supervisor: Date Created: 01/11/2023 11:23

Description:

OFFICER: C. Sanders 5191

CASE: 2022-34437

OFFENSE: Burglary 3rd, Burglary 3rd-Motor Vehicle, Criminal Mischief 4th

DATE & TIME OF REPORT: 15 December 2022 0727

DATE & TIME OCCURRED: 15 December 2022 0000

STATUS: Suspended

1. VICTIM INFORMATION: Bell Brothers Heating & Cooling-2822 6th Ave
2. RP: Jason Gassmann (515)208-3543



Case Report

Detail

Agency: Des Moines Police
Department
Agency #: IA0770300

Print Date/Time: 01/27/2023 09:22

3. OFFENDER INFORMATION:

4. NARRATIVE:

Received this case for follow-up investigation and reviewed the case summary report by Officer Andrews.

Upon reviewing the Case Summary Report information, I did the following:

A. On 23 December 2022 at 1225 hours, I contacted RP Jason Gassman at (515)208-3543.

B. Jason was busy working but we discussed the case a bit and he said he has some video from a neighboring business.

C. Jason asked that I email him at Jasong@bellbrothers.com and he will provide me with what he has. I emailed Jason and requested any video or photos he may have.

D. On 3 January 2023 at 0905 hours, I sent Jason another email requesting any videos or photos.

E. On 4 January 2023 I received an email from Jason that he was having someone send me the items I need.

F. On 9 January 2023 I received a supplemental report from Senior CSI Tech K. Warren #8627 that stated the recovered latent print from one of the vehicles that was damaged was identified.

G. The latent finger/palm print was compared to the known prints and/or palm prints of Evan Mercer DCI#01165107 and they were identical.

H. On 11 January 2023 I called Jason Gassmann with Bell Brothers and asked if he knew Evan Mercer or if Mercer worked for him.

I. Gassmann stated Mercer did work for him and is a current employee.

J. Gassmann went on to say that he has to see if Mercer ever drives the vehicle the print was recovered from as they believe these break ins may be internal.

K. Gassmann stated that they recently fired Mercer's mother and they had had nothing but problems with vandalism and burglaries since then.

L. Gassmann realizes that it will be hard to prove that Mercer has anything to do with the criminal mischief as it would be difficult to prove since he works for them and has access to the vans.

M. This case will be suspended pending new leads or suspect development.

Drost, Bert A.

From: Ludwig, Michael G.
Sent: Friday, January 20, 2023 10:52 PM
To: Van Essen, Jason M.; Drost, Bert A.
Subject: Fwd: Written Notice of Appeal - FENC-2022-000563 (2822 6TH AVE, DES MOINES, IA)
Attachments: SITE PLAN 2822 6TH AVE (3).pdf; AMAROK - About us.pdf

FYI.

Mike

Sent from my iPhone

Begin forwarded message:

From: Parshandatha Davis <pdavis@amarok.com>
Date: January 20, 2023 at 5:09:16 PM CST
To: "Ludwig, Michael G." <MGLudwig@dmgov.org>
Cc: Michelle Affronti <maffronti@amarok.com>, Michael Pate <mpate@amarok.com>, "Westergaard, Linda C." <LindaW@dmgov.org>, "Boesen, Connie S." <ConnieBoesen@dmgov.org>, "Voss, Carl B." <CarlVoss@dmgov.org>
Subject: **Written Notice of Appeal - FENC-2022-000563 (2822 6TH AVE, DES MOINES, IA)**

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Ludwig,

I hope this email finds you well.

To be considered for further review of the final decision made by the plan and zoning commission, the following documentation (attached) must be submitted no later than 30 days from the final determination of the public hearing site plan review:

1. Written narrative explaining any requests and rationale for modification of the final decision by the plan and zoning commission; and
2. The site plan or alternate design documentation to be considered
3. AMAROK – About us – which includes an explanation of how our medically safe, OSHA recognized, certified system works, along with some photos of our system installed

This request for consideration and written notice of appeal is being submitted on 1/20/2023 following the decision from the plan and zoning commission meeting held on 1/19/2023.

We ask that you please consider this request for further review and provide next steps to ensure we are placed on an upcoming regularly scheduled city council agenda.

Please let me know if you have any questions, or feel free to reach out to me via email or mobile phone using the information below.

Thank you for your consideration.



Parsh Davis

Manager of Compliance

Mobile: 803-603-6606

Direct: 803-704-1710



29

ABOUT US

We are a perimeter security solution for businesses located on commercial, manufacturing, and industrial sites whose needs include the **protection of outdoor assets.**

6,000+
INSTALLATIONS

1,200+
JURISDICTIONS

TYPICAL CUSTOMERS

- Trucking & Logistics
- Distribution
- Metal Recycling
- Landscaping
- Collision & Automotive Repair
- Auto Auctions & Dismantlers
- Equipment Rental
- Truck Sales & Service



THERE ARE **4 STRATEGIC SEGMENTS** IN OUR RESPONSE TO COMMON CRITICAL TACTICS

DETER

Deterrence begins at the perimeter with **physical infrastructure and multilingual warning signs**, discouraging a criminal from attempting a breach at all.



Deterrence is a psychological battle, and when EGD wins, **crime is stopped before it happens.**

DEFEND

Stop unauthorized entry!

Physical Deterrent

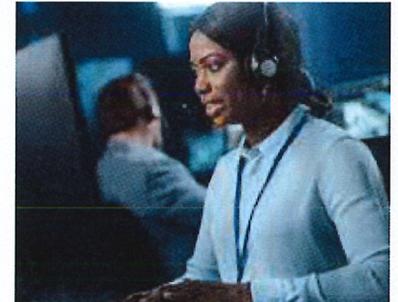
Built **ONLY** inside the existing non electrified perimeter barrier



If someone touches our system, they are trespassing

DETECT

Audible & monitored alarm system which activates when trespass is detected. System includes remote access to arm/disarm.



DEPLOY

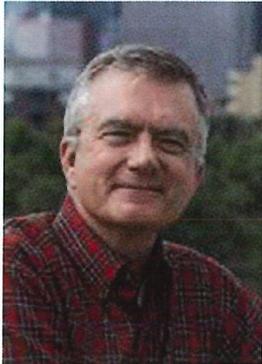
If an activated alarm is **confirmed to be a trespasser**, responders are then contacted and deployed to examine.



MEDICALLY SAFE

Pulses: **every 1.3 seconds**

Duration: **less than 0.0003 seconds**



“The pulses emitted from AMAROK’s electric fences, while unpleasant, are not dangerous.”

— Mark Kroll, Ph.D.

*Served on committees for ANSI standards, IEC standards, and ASTM standards
Adjunct Professor of Biomedical Engineering at the University of Minnesota and Cal Poly, San Luis Obispo*

INTERNATIONALLY APPROVED

We meet standards set by the **International Electrotechnical Commission (IEC 60335-2-76)** and **ASTM (F3296-19)**.



International
Electrotechnical
Commission



**THE
ELECTRIC
GUARDDOG™**
POWERED BY AMAROK

**HOW IT
WORKS:
CORE
COMPONENTS**

**AMAROK OWNS AND
MAINTAINS THE
SECURITY SYSTEM**

BATTERY
(DOES NOT EXCEED 12V DC)



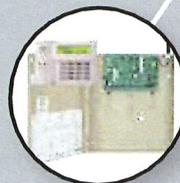
**SOLAR
PANEL**



ENERGIZER



**ALARM PANEL,
KEYPAD &
CELL UNIT**



**ELECTRIC
SECURITY
FENCE**



GREEN SECURITY

The system is powered by a 12-volt battery that is recharged by a solar panel, which is effective as well as **environmentally friendly; carbon neutral.**



GREAT ADDITION
TO GREEN STRATEGY

NOT AFFECTED
BY POWER FAILURES

NOT CONNECTED
TO MAIN POWER

OSHA[®] Occupational Safety and Health Administration

We are certified compliant by a USA Nationally Recognized Testing Laboratory

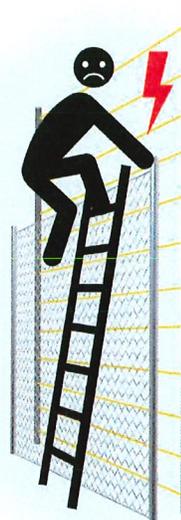
“Nationally Recognized Testing Laboratories (NRTL) are third-party organizations recognized by OSHA (Occupational Safety and Health Administration) as having the capability to provide product safety testing and certification services ...”

NRTL certified means, “... the product met the requirements of an appropriate consensus-based product safety standard either by successfully testing the product itself, or by verifying that a contract laboratory has done so ...”

FAQ:
WHY MUST
OUR FENCE
BE TALLER?

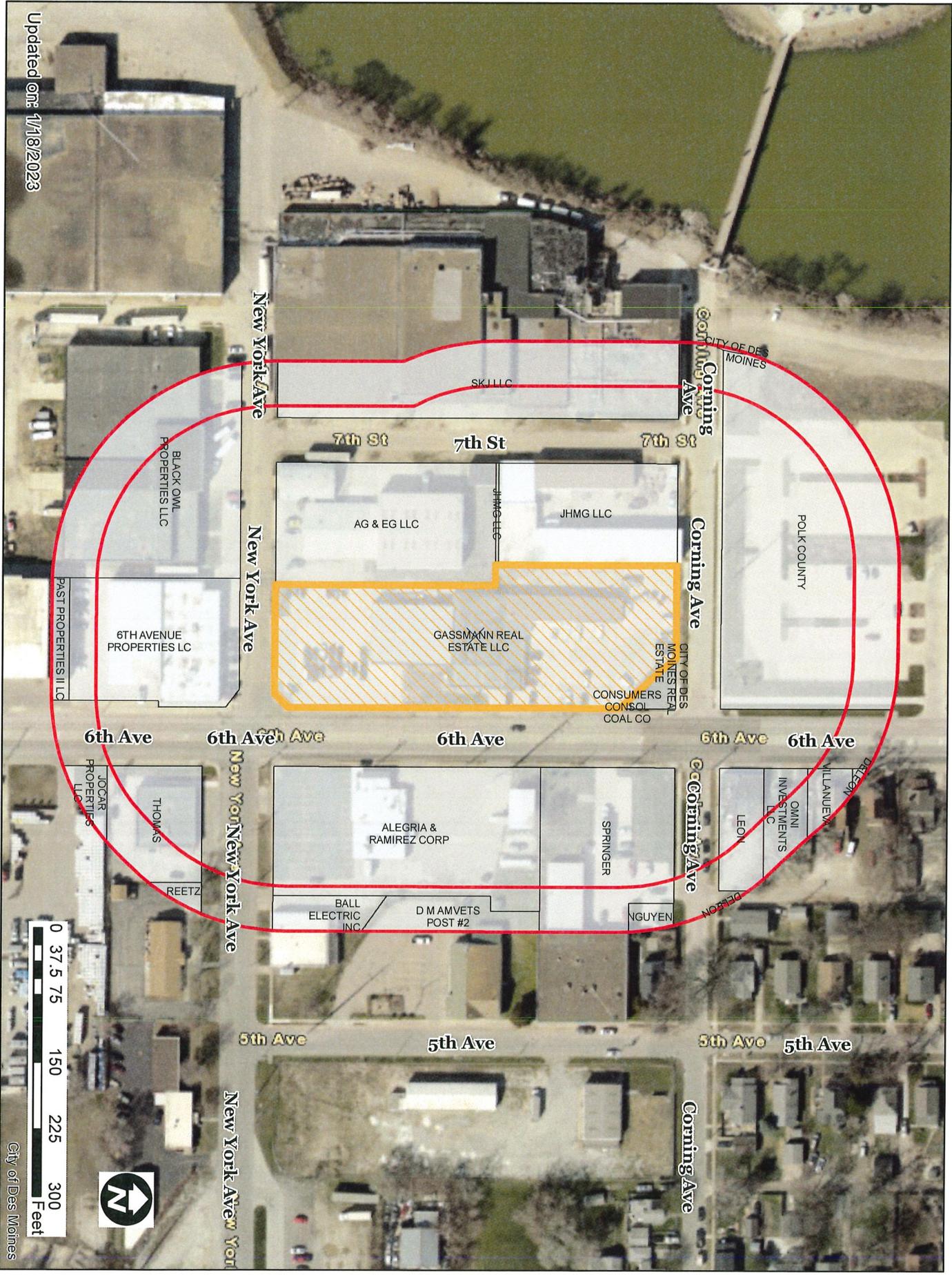


SAME HEIGHT AS EXISTING FENCE



TALLER THAN EXISTING FENCE





Updated on: 1/18/2023



1 inch = 142 feet

City of Des Moines