



***** 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 '21-' 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

December 6, 2021
5:00 PM

Due to the increased community transmission of COVID-19 in Polk County, we have implemented a face covering requirement in City buildings. The requirement applies to both staff and the visiting public and includes attendance at Council meetings. If you do not have a face covering, one will be provided for you.

The public is hereby notified that the City Council will not tolerate disruption of its business meetings. Persons wishing to attend this meeting are reminded of the following:

We welcome germane comments from the public at the appropriate time, but this is a Council business meeting, and the Council needs to conduct the people's business and Council has rules that are validly adopted under Iowa law and those rules will be followed.

Anyone engaging in disruptive conduct in the Council Chambers or Great Hall will result in those being disruptive being ordered to leave the building and being denied readmittance for the remainder of the day.

No person will be permitted to stand in the council chamber during council sessions between the audience seats and the councilmembers except the persons addressing the council **at the speakers' microphone** and **only** after being recognized by the Mayor.

All persons desiring to address the council may do so only when recognized by the Mayor, but the council reserves the right to limit the speaker's time and the order in which the speakers may address

the council.

Under Section 2-70 of the City Code, it is illegal to interrupt any person who is addressing the council except by a council member, and it is illegal to disrupt the Council meeting.

EVERYONE in attendance has First Amendment rights and any disruptive conduct by one person or group impinges on the rights of others present, so disruptive conduct will not be tolerated.

If the meeting is disrupted, the public speaking portion of the meeting may be moved to the next in-person meeting which is not disrupted.

Those who disrupt the meeting will not be called on during the meeting, will be ordered to leave the building and may be cited or arrested for disorderly conduct, trespass or interfering with the good order of the meeting or other applicable charges.

[21-1779](#) 1. ROLL CALL: **Present: Cownie, Boesen, Gatto, Gray, Mandelbaum, Voss and Westergaard.**

[21-1780](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Boesen to adopt. Motion Carried 7-0.**

[21-1781](#) 3. APPROVING CONSENT AGENDA * – items 3 through 50: **Moved by Gatto to adopt the balance of the consent agenda. Motion Carried 7-0.**

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

LICENSES AND PERMITS

[21-1782](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Gatto to adopt. Councilman Gatto declares a conflict of interest and abstains from voting on item 4Y. Motion Carried 7-0.**

NEW APPLICATIONS

(A) 821 SQ LIQUOR	821 E EUCLID AVE	Class E Liquor
(B) ISLAS DEL PACIFICO	1434 DES MOINES ST	Class C Liquor
(C) JK AFRICAN STORE	2312 UNIVERSITY AVE	Class E Liquor
(D) RICOCHET	400 LOCUST ST #105	Class C Liquor
(E) SOUTH SIDE SMOKE AND VAPE	3324 INDIANOLA AVE	Class C Beer

RENEWAL APPLICATIONS

(F) B & B SUPER MARKET	2001 SE 6TH ST	Class C Beer
(G) BUFFALO WILD WINGS	3311 SE 14TH ST	Class C Liquor
(H) C FRESH MARKET	801 UNIVERSITY AVE	Class E Liquor
(I) CHIPOTLE MEXICAN GRILL	3737 MERLE HAY RD	Class C Liquor
(J) FELIX & OSCARS	4050 MERLE HAY RD	Class C Liquor
(K) FONGS PIZZA	223 4TH ST	Class C Liquor

(L) HY VEE FOOD STORE #2	2540 E EUCLID AVE	Class E Liquor
(M) LA BAJA COSINA MEXICANA	1938 SE 6TH ST	Class C Liquor
(N) LICKETY LIQUOR	2501 HUBBELL AVE	Class E Liquor
(O) PEACE TREE BREWING CO	317 E COURT AVE	Class C Liquor
(P) PEGGYS TAVERN	3020 FOREST AVE	Class C Liquor
(Q) QUIK TRIP #523R	849 ARMY POST RD	Class C Beer
(R) QUIK TRIP #535	1501 E GRAND AVE	Class C Beer
(S) SMOKE SHOP	1918 SE 14TH ST	Class E Liquor
(T) SUDDSUCKERS	1511 E ARMY POST RD	Class C Liquor
(U) SUPER QUICK 2	1824 HUBBELL AVE	Class E Liquor
(V) TASTE! TO GO AND CATERING	322 E COURT AVE #100	Class C Liquor
(W) TOP IT OFF	100 INDIANA AVE	Class C Liquor
(X) TUMEA AND SONS	1501 SE 1ST ST	Class C Liquor

SPECIAL EVENT APPLICATION

- *(Y) UPT INC 519 PARK ST 5 days
Class C Liquor License for All Iowa Gala on December 10, 2021.

[21-1783](#) 5. [City Clerk](#) to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Cownie.**

[21-1784](#) 6. [City Clerk](#) to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[21-1785](#) (A) [2021](#) Parking Garage Repair Program: Receiving of bids (12-21-21), Setting date of hearing (1-24-22), Engineer's estimate, \$235,000. ([Council Communication No. 21-507](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1786](#) (B) [2022](#) Midblock Pedestrian Signal Improvements: Receiving of bids (12-21-21), Setting date of hearing (1-24-22), Engineer's estimate, \$425,000. ([Council Communication No. 21-508](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1787](#) (C) [Closes](#) Creek Storm Sewer Improvements Phase 3: Receiving of bids (12-21-21), Setting date of hearing (1-24-22), Engineer's estimate, \$9,000,000. ([Council Communication No. 21-512](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

[21-1788](#) (D) [George](#) Flagg Parkway Resurfacing from Fleur Drive to SW 30th Street: Receiving of bids (12-21-21), Setting date of hearing (1-24-22), Engineer's estimate, \$550,000. ([Council Communication No. 21-513](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-1789](#) (E) [Indianola](#) Avenue Reconstruction – E. Army Post Road to U.S. HWY 69: Receiving of bids (12-21-21), Setting date of hearing (1-24-22), Engineer’s estimate, \$6,344,944.30. ([Council Communication No. 21-514](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1790](#) (F) [Nahas](#) Pool Painting Improvements: Receiving of bids (12-21-21), Setting date of hearing (1-24-22), Engineer’s estimate, \$135,000. ([Council Communication No. 21-516](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1791](#) (G) [Pennsylvania](#) Avenue Reconstruction from North of E. University Avenue to E. Washington Avenue: Receiving of bids (12-21-21), Setting date of hearing (1-24-22), Engineer’s estimate, \$1,560,000. (Continued from November 15th) ([Council Communication No. 21-515](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1792](#) 8. [Authorizing](#) submittal of Federal Surface Transportation Block Grant (STBG) and Transportation Alternative Program (TAP), also known as Surface Transportation Block Grant Set-Aside Program, Fiscal Year (FY) 2026 applications to the Des Moines Metropolitan Planning Organization (MPO). ([Council Communication No. 21-511](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1793](#) 9. [Approving](#) exception to Request for Proposal process for good cause and approving Professional Services Agreement with HR Green, Inc. for Intelligent Transportation Systems (ITS) Master Plan Integration – Phase 3, not to exceed \$344,000. ([Council Communication No. 21-521](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1794](#) 10. [Approving](#) Supplemental Agreement No. 3 to the Professional Services Agreement with Kirkham, Michael & Associates, Inc. for additional professional services for Ingersoll Avenue Streetscape – 31st to Martin Luther King, Jr. Parkway, not to exceed \$436,000. ([Council Communication No. 21-522](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1795](#) 11. [Approving](#) Change Order No. 10 with Koester Construction Co., Inc. for additional work on Municipal Service Center - Phase 2, in the amount of \$362,668. ([Council Communication No. 21-519](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1796](#) 12. [Approving](#) construction of storm sewer improvements included in the contract for the Federal Courthouse between Ryan Companies US, Inc. and US General Services Administration, Heartland Region 6 in 101 Locust Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1797](#) 13. [Approving](#) Private Construction Contract between Tech Construction Corp dba Caselli Construction and Van-Am Properties, LLC for paving improvements in 702 20th Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

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

[21-1798](#)

(A) [2020](#) HMA Resurfacing Program Contract 1, Grimes Asphalt and Paving Corporation. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1799](#)

(B) [2021](#) Riverwalk Improvements – Balustrade Replacement, TNT Tuckpointing and Building Restoration, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1800](#)

(C) [Skywalk](#) Bridge 7C-7D Removal, Neumann Brothers, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

[21-1801](#)

15. [Receive](#) and file communication from the Plan and Zoning Commission regarding request from ARD Properties, LLC for review and approval of a major Preliminary Plat “Bauer Heights Plat 4” on property in the vicinity of 5591 NE 36th Court, within the two-mile distance for extraterritorial review of subdivision plats. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1802](#)

16. [Receive](#) and file communication from the Plan and Zoning Commission regarding request from Merle Hay Anchors, LLC (Jim Sutphen, Officer) for property in the vicinity of 4000 Merle Hay Road for review and approval of a Preliminary Plat and conditionally approving Final Plat “Merle Hay Anchors, LLC Subdivision”, to divide the property into three (3) development lots. ([Council Communication No. 21-536](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

[21-1803](#)

17. [Recommendation](#) by Council Member Gray to appoint Deb Chido to Parks and Recreation Board, Seat 8, to fill a vacancy with the term ending June 30, 2023. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1804](#)

18. [Recommendation](#) by Council Member Gray to appoint Emily Westergaard to the Housing Services Board, Seat 4, to fill a vacancy with the term expiring June 30, 2024. **Moved by Gatto to adopt. Motion Carried 6-0. Council Member Westergaard declares a conflict of interest and abstains from voting.**

[21-1805](#)

19. [Recommendation](#) from Council Member Mandelbaum to appoint Debra Carr to the Neighborhood Revitalization Board, Seat 9, to fill vacancy with the term ending June 30, 2023. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-1806](#) 20. [Recommendation](#) from Council Member Boesen to reappoint Veronica Ouya to the Des Moines Civil and Human Rights Commission, Seat 2, for a three-year term expiring March 31, 2024. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1807](#) 21. [Recommendation](#) from Council Member Boesen to reappoint Dennis Groenenboom to the Housing Appeals Board, Seat 2, for a three-year term expiring March 15, 2024. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1808](#) 22. [Recommendation](#) from Council Member Boesen to reappoint Kari Warren to the Neighborhood Revitalization Board, Seat 1, for a three-year term expiring June 30, 2023. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1809](#) 22-I [Recommendation](#) from Council Member Voss to reappoint Chad Layland to the Building and Fire Code Board of Appeals, for a three-year term commencing on April 1, 2022 and expiring April 1, 2025. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1810](#) 23. [Recommendation](#) from Council Member Voss to reappoint Chase Holm to the Neighborhood Revitalization Board, Seat 6, for a three-year term expiring June 30, 2024. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1811](#) 23-I [Recommendation](#) from Council Member Voss to reappoint James Sarcone III to the Housing Appeals Board, Seat 3, for a three-year term expiring March 16, 2024. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1812](#) 24. [Recommendation](#) from Council Member Westergaard to reappoint Craig Wetzel to the Housing Appeals Board, Seat 5, for a three-year expiring March 16, 2024. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1813](#) 25. [Recommendation](#) from Council Member Westergaard to reappoint William Thompson to the Park and Recreation Board, Seat 10, for a four-year term expiring June 30, 2025. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1814](#) 25-I [Recommendation](#) from Council Member Voss to reappoint Brian Clark to the Urban Design Review Board, Seat 3, for the three-year term expiring June 30, 2024. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1815](#) 26. [Communication](#) from Matt Connolly advising of his resignation from Housing Services Board, Seat 4, effective December 1, 2021. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [21-1816](#) 27. [Communication](#) on the loss of Theresa Graziano from the Civil Service Commission, Seat 2, effective November 15, 2021. **Moved by Gatto to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [21-1817](#) 28. **On** conveyance of a Permanent Easement for water main right-of-way in property located south of and adjoining Observatory Road to Des Moines Water Works, (12-20-21). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1818](#) 29. **On** conveyance of City-owned property at SE 43rd and Vandalia Road to Crossroads Cold Storage, LLC (C.J. Morton, Officer) for \$416,020, (12-20-21). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1819](#) 30. **On** a lease agreement with Power Boat Club on the River, Inc. for a portion of excess City property located on the north bank of the Des Moines River locally known as District/Parcel 070/02223-003-000, (12-20-21). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1820](#) 31. **On** correcting the vacation of the north-south alley right-of-way located west of and adjoining 1010 13th Street and to issue a corrected quit claim deed to JOPPA Cheatom Park, LLC, (12-20-21). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1821](#) 32. **On** request from Knapp Homes, LLC to rezone property locally known as 4402 Douglas Avenue from MX1 Mixed Use District to MX3 Mixed Use District to allow development of a restaurant with a drive-through use, subject to conditions, (12-20-21). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1822](#) 33. **On** request from CFD Properties, LLC to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 2300 East 14th Street from Neighborhood Mixed Use and Low-Medium Density to Industrial and to rezone said property from MX1 Mixed Use District to I1 Industrial District to allow use that includes outdoor storage, (12-20-21). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1823](#) 34. **On** City-initiated request to amend PlanDSM: Creating Our Tomorrow future land use designation for property generally located in the area bounded by East University Avenue to the north, Interstate 235 (Freeway) to the east and south, and East 15th Street to the west except parcels fronting along East University Avenue from Business Park Use to Low Density Residential and to allow rezoning from EX Mixed Use District to NX1 Neighborhood Mix District, (12-20-21). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1824](#) 35. **On** City-initiated request to amend PlanDSM: Creating Our Tomorrow future land use designation for real property generally located along East 21st Street and Tichenor Street between Guthrie Avenue to the north and Interstate 235 (Freeway) to the south from Industrial to Low Density Residential and to allow rezoning the property from I1 Industrial District to N3a Neighborhood District, (12-20-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1825](#) 35-I [On](#) Appeal by Genesis Health Club Sports Complex SE, LLC of denial of Type 2 Design Alternatives for Site Plan for property located at 1111 East Army Post Road. Sponsored by Council Member Gatto. **Moved by Gatto to adopt with an additional \$125,000 in programming. Motion Carried 7-0.**

APPROVING

[21-1826](#) 36. [On](#) corrected Third Amendment and Restated Urban Renewal Development Agreement with the Greater Des Moines Botanical Garden (GDMBG). **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1827](#) 37. [First](#) Amendment to the Urban Renewal Development Agreement with The District Developer, LLC. ([Council Communication No. 21-528](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1828](#) 38. [Agreements](#) with Iowa Economic Development Authority and 6th Avenue Corridor, Inc. to continue the Main Street Program for the 6th Avenue Corridor. ([Council Communication No. 21-529](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1829](#) 39. [Issuance](#) of Certificate of Completion to Reagan Partners, LLC (Tim Rypma, Paul Cownie and Jeremy Cortright) for the historic renovation of three multi-family apartment buildings at 2801 Grand Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1830](#) 40. [Amendment](#) of Blighted Property Rehabilitation (BPR) Program Agreement with Rally Cap Properties, LLC for rehabilitation of property located at 693 19th Street to allow extension of agreement to April 30, 2022. ([Council Communication No. 21-534](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1831](#) 41. [Third](#) Amendment of Agreement with Ben Spellman for property located at 1124 13th Street and 1311 Laurel Street. ([Council Communication No. 21-533](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1832](#) 42. [Extension](#) of Municipal Parking Facilities Management Services Agreement with ABM Parking Services, Inc. ([Council Communication No. 21-520](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1833](#) 43. [Rules](#) for facilities and programs operated by the Parks and Recreation Department. ([Council Communication No. 21-525](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1834](#) 44. [Goose](#) Management Plan. ([Council Communication No. 21-523](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-1835](#) 45. [Appointment](#) of Police Chief Dana Wingert and Superintendent of Technical Services Michele Bischof as the Primary Members of the Joint 911 Service Board with Captain David Ness, Communications Administrator Bradley Button and Assistance Fire Chief Todd Francisco serving as alternate members. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1836](#) 46. [Release](#) of fire escrow at 2432 Whispering Ridge Drive. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1837](#) 47. [Receipt](#) of Des Moines Water Works budget for calendar year ending December 31, 2022. **Moved by Gatto to receive and file. Motion Carried 7-0.**
- [21-1838](#) 48. [Amendment](#) to Agreement with the Greater Des Moines Public Art Foundation for installation and maintenance of Jun Kaneko Glass Mural on Court Avenue Pump Station for license for temporary removal for repairs and reinstallation. **Moved by Gatto to adopt. Motion Carried 7-0.**
49. Purchases from the following:
- [21-1839](#) (A) [Heartland](#) Business Systems (Peter Helander, CEO) for Cisco Catalyst 9300 and Catalyst 9500 and wireless access point network hardware per State of Iowa contract for use by the Information Technology Department, \$485,902.08. ([Council Communication No. 21-524](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1840](#) (B) [Dewey](#) Ford (Dan Boettcher, General Manager) for twelve (12) vehicles including nine (9) one-quarter-ton compact pickup trucks, and three (3) compact SUVs, \$322,214.40 and from Stew Hansen Dodge City (Dan Boettcher, General Manager) for eleven (11) vehicles including four (4) half-ton special service vehicle pickup trucks, three (3) one-ton pickup trucks, two (2) three-quarter-ton pickup trucks, and two (2) minivans, \$400,780 as per State of Iowa contract for use in various City departments, total \$722,994.40. ([Council Communication No. 21-526](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1841](#) 50. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of December 6 and 13, 2021; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of December 6 and 13, 2021; to draw checks for biweekly payroll due December 17, 2021. **Moved by Gatto to adopt. Motion Carried 7-0.**

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 51 THRU 59)

- [21-1842](#) 51. [Dismissing](#) hearing on request from JOPPA (Joe Stevens, Officer) to amend PlanDSM: Creating Our Tomorrow future land use designation of property located at 1661 County Line Road from Business Park to Neighborhood Mixed and Medium Density Residential to allow rezoning to ‘RX1’ Mixed Use District and ‘NX2’ Neighborhood Mix District to allow redevelopment of the property as a JOPPA village for 50 units of Household Living use and Professional Office use as a transitional housing community. The property is currently owned by the Des Moines Metro Wastewater Reclamation Authority City of Des Moines. (Continued from August 23, 2021). **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [21-1843](#) 52. [Dismissing](#) hearing on vacation of excess City right-of-way located north of and adjoining 1661 County Line Road, and conveyance to JOPPA for \$30,000, (Continued from August 23, 2021). **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [21-1844](#) 53. [On](#) the proposed Douglas Avenue Urban Renewal Area, receiving and filing the determination of the Des Moines Plan and Zoning Commission and adopting the Urban Renewal Plan. ([Council Communication No. 21-531](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [21-1845](#) (A) [Resolution](#) of Necessity for the Douglas Avenue Urban Renewal Area. **Moved by Gray to adopt. Motion Carried 7-0.**
- [21-1846](#) 54. [Accepting](#) revised development proposal from Des Moines Climate Controlled Self Storage, LLC (Mark Bockenstedt, Owner) to develop City-owned property in the vicinity of 503 SE 12th Street in the Metro Center Urban Renewal Area and accepting the conceptual development plan for the project. ([Council Communication No. 21-527](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-1847](#) 55. [On](#) the proposition to authorize a lease in the principal amount of not-to-exceed \$130,000 for the purpose of acquiring certain items of equipment for Winter Snow Removal consisting of three (3) motor graders and one bulldozer. **Moved by Boesen to adopt. Motion Carried 7-0.**

56. Items regarding Cowles Drive entrance improvements at the Des Moines International Airport:

[21-1848](#)

(A) [Hearing](#) on the Fourth Amendment to Real Estate Lease and Asset Transfer Agreement with the Des Moines Airport Authority to exclude excess property adjoining Fleur Drive north of Porter Avenue and to include property adjoining Fleur Drive between Highview Drive and Southlawn Drive, and property located at 4459 Parklawn Drive. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[21-1849](#)

(B) [Approving](#) Completion and acceptance of the Fleur Drive turn lane at Cowles Drive – Airport Improvements set forth in and constructed pursuant to said private construction contract, intersection of Fleur Drive and Cowles Drive Airport Enhancement/Exit Roadway, between Reilly Construction Co., Inc. and Des Moines Airport Authority. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[21-1850](#)

(C) [Dedicating](#) additional Fleur Drive right-of-way for the Fleur Drive turn lane at Cowles Drive. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[21-1851](#)

57. [On](#) appeal by Menard, Inc. of denial of Type 2 Design Alternative for site plan for property located at 6000 Southeast 14th Street. **Moved by Gatto to approve the proposed Type 2 Design Alternative described above, and to make the following findings of fact in support of approval of the proposed Type 2 Design Alternative:**

- a. **Municipal Code Section 135-9.2.2.B.1 provides that design alternatives are intended to allow for relief from the Planning and Design Ordinance 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.”**
- b. **The existing building on the Property is set at a significant distance from the Southeast 14th Street primary street frontage, and the existing parking lot is approximately 260-350 feet from said street frontage.**
- c. **Existing buildings and lots that front Southeast 14th Street, and a proposed new building, provide buffers between the primary street frontage and the Property and its parking lot.**
- d. **The topography of the Property and its parking lot causes the lot to be less visible from the Southeast 14th Street frontage.**
- e. **The proposed Type 2 design alternative allows a continuation of existing landscaping elements, which will not increase or create new adverse impact on the adjacent properties.**

- f. The above-stated facts specific to the Property reduce the aesthetic concerns and need to screen the existing parking lot from the Southeast 14th Street frontage which are typically addressed through landscaping requirements.
 - g. Menard, Inc. has met the burden required to demonstrate that the requested design alternative meets the criteria for approval and that the result of the design alternative would equal or exceed the result of strict compliance with Section 135-7.9.2 of the Planning and Design Ordinance.
 - h. Menard, Inc. has shown that the requested design alternative is consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.
 - i. Menard, Inc. has shown that the requested design alternative will not have a substantial or undue adverse effect on the public health, safety, and general welfare.
 - j. Said Type 2 Design Alternative should be approved for the above-stated reasons and incorporated into the approved Site Plan for the Property.
- Motion Carried 5-2. Nays: Cownie and Mandelbaum.**

[21-1852](#)

- 58. [On](#) Ashworth Pool and Northwest Pool Painting Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as A1A Sandblasting (Iowa), (Michael Marjama, Owner), \$171,100. ([Council Communication No. 21-509](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

[21-1853](#)

- (A) [Approval](#) of contract and bond. **Moved by Gray to adopt. Motion Carried 7-0.**

[21-1854](#)

- 59. [On](#) Evergreen Avenue Rehabilitation from Marion Street to S.E. 30th Court: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation, (Timothy Mallicoat, President), \$427,660.75. ([Council Communication No. 21-510](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-1855](#)

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

ORDINANCES - FIRST CONSIDERATION

[21-1856](#)

- 60. [Amending](#) Chapter 74 of the Municipal Code relating to the Parks and Recreation Board and Parks and Recreation Department and Director; regulating conduct for use of parks and recreational facilities; fees for rental and use of parks and recreational facilities and programs and mobile food vendors. ([Council Communication No. 21-530](#)) **Moved by Voss that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [21-1857](#) (A) **Final** consideration of ordinance above (waiver requested by Ben Page, Parks and Recreation Director), requires six votes. **Moved by Voss that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #16,085. Motion Carried 7-0.**
- [21-1858](#) 61. **Amending** Chapter 114 of the Municipal Code regarding Traffic Regulations Changes as follows: ([Council Communication No. 21-517](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Parking Restriction – Dean Avenue at E. 24th Street.
(B) Park Modification – Accessible parking space on E. 25th Street between Capitol Avenue and E. Grand Avenue.
- [21-1859](#) (C) Final consideration of ordinance above. **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, #16,086. Motion Carried 7-0.**
- [21-1860](#) 62. **Amending** Chapter 114 of the Municipal Code to facilitate the use of multi-space parking meters. ([Council Communication No. 21-518](#)) **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [21-1861](#) 63. **Amending** Sections 2-1176 and 2-1177, relating to the creation, composition, appointment and powers and duties of the Youth Advisory Board. ([Council Communication No. 21-537](#)) **Moved by Boesen that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

APPROVING

- [21-1862](#) 64. **An** exception to the procurement ordinance competitive procurement requirements for good cause and approving agreement with Broadlawns Medical Center for Mobile Crisis Mental Health Response Team Services and the Crisis Advocacy Response Effort Program. ([Council Communication No. 21-535](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [21-1863](#) 65. **An** exception to the procurement ordinance competitive procurement requirements for good cause and approving agreement with Cure Violence Global for services related to the Cure Violence Program. ([Council Communication No. 21-532](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[21-1864](#)

66. [Agreement](#) with Creative Visions for Cure Violence Program Implementation Services. ([Council Communication No. 21-532](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

[21-1865](#)

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

- (A) Adam Callanan
- (B) Garland Armstrong

[21-1866](#)

MOTION TO ADJOURN. **Moved by Cownie to adjourn at 6:19 PM. Motion Carried 7-0.**

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