



**\*\*\* DES MOINES CITY COUNCIL MEETING REPORT \*\*\***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '22-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**  
**City Hall, City Council Chambers**  
**400 Robert D. Ray Drive**  
**Des Moines, Iowa 50309**

**January 10, 2022**  
**5:00 P.M.**

**Reception 4:15-4:45 PM**  
**Great Hall, 2<sup>nd</sup> Floor**

**Connie Boesen, Council Member At-Large**  
**Indira Sheumaker, Council Member Ward I**  
**Josh Mandelbaum, Council Member Ward III**

**Masks Required**

*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.

## **Swearing in Ceremony 4:45 P.M.**

### **PROCLAMATION**

Human Trafficking Prevention and Awareness Month

[22-0001](#)

1. **ROLL CALL: Present: Cownie, Boesen, Gatto, Sheumaker, Mandelbaum, Voss and Westergaard. Councilman Gatto participated in the meeting by telephone.**

I. Reappointment of the following:

- [22-0002](#) (A) City Manager. Moved by Boesen to adopt. Motion Carried 6-1. Nays: Sheumaker.  
[22-0003](#) (B) City Attorney. Moved by Boesen to adopt. Motion Carried 6-1. Nays: Sheumaker.  
[22-0004](#) (C) City Clerk. Moved by Boesen to adopt. Motion Carried 6-1. Nays: Sheumaker.  
[22-0005](#) (D) Chief Deputy City Clerk and Deputy Clerk. Moved by Boesen to adopt. Motion Carried 6-1. Nays: Sheumaker.  
[22-0006](#) (E) Chief Deputy City Attorney, Deputy City Attorneys and Assistant Attorneys. Moved by Boesen to adopt. Motion Carried 6-1. Nays: Sheumaker.

- [22-0007](#) II. Recommendation of Mayor Cownie for appointment of Josh Mandelbaum as Mayor Pro Tem for Calendar Year 2022. Moved by Boesen to adopt. Motion Carried 7-0.

- [22-0008](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Voss to adopt. Motion Carried 7-0.

- [22-0009](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 43: Moved by Boesen to adopt the balance of the consent agenda. Motion Carried 7-0. Motion by Sheumaker to allow the public to speak on items 26, 38 and 39. Motion failed 2-5. Nays: Cownie, Boesen, Gatto, Westergaard and Voss.

**\*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**

- [22-0010](#) 4. Approving Alcoholic Beverage License Applications for the following: Moved by Boesen to adopt. Motion Carried 7-0.

**NEW APPLICATION**

- |                       |                 |              |
|-----------------------|-----------------|--------------|
| (A) STAYBRIDGE SUITES | 201 E LOCUST ST | Class C Beer |
|-----------------------|-----------------|--------------|

**RENEWAL APPLICATIONS**

- |                                 |                   |                |
|---------------------------------|-------------------|----------------|
| (B) ALBA RESTAURANT             | 519 DES MOINES ST | Class C Liquor |
| (C) BAILEYS PUB N GRUB          | 918 E EUCLID AVE  | Class C Liquor |
| (D) CASEYS GENERAL STORE #2322  | 4331 PARK AVE     | Class C Beer   |
| (E) CASEYS GENERAL STORE #2641  | 2849 E EUCLID AVE | Class C Beer   |
| (F) CASEYS GENERAL STORE #2786  | 5150 E 14TH ST    | Class E Liquor |
| (G) CHRISTOPHERS DINING ROOM    | 2816 BEAVER AVE   | Class C Liquor |
| (H) CINCO ESTRELLAS BAR & GRILL | 1833 HUBBELL AVE  | Class C Liquor |
| (I) EASTGATE LAUNDROMAT         | 1424 E OVID AVE   | Class B Beer   |
| (J) FAREWAY STORE #183          | 4313 FLEUR DR     | Class E Liquor |
| (K) GARDEN NIGHTCLUB            | 525 E GRAND AVE   | Class C Liquor |
| (L) GIT N GO STORE #32          | 2911 DOUGLAS AVE  | Class C Beer   |

(M) GIT N GO STORE #24	1142 42ND ST	Class C Beer
(N) GIT N GO STORE #27	1240 KEOSAUQUA WAY	Class C Beer
(O) HIGHLAND PARK POST NO 374	3712 2ND AVE	Class A Liquor
(P) HY VEE FOOD STORE #1	3330 MLK JR PKWY	Class E Liquor
(Q) JIFFY #924	3718 SW 9TH ST	Class C Beer
(R) KUM & GO #573	5830 SE 14TH ST	Class E Liquor
<del>(S) SHOP N SAVE #2</del>	<del>1372 E 14TH ST</del>	<del>Class E Liquor</del>
(T) TARGET STORE T2041	5901 DOUGLAS AVE	Class E Liquor
(U) UNIVERSITY LIBRARY CAFE	3506 UNIVERSITY AVE	Class C Liquor
(V) WEST END WINES	22 9TH ST	Class C Liquor

[22-0011](#) 5. [City Clerk](#) to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Boesen to adopt. Motion Carried 6-1. Nays: Cownie.**

[22-0012](#) 6. [City Clerk](#) to issue Coin Operated Machine Licenses. **Moved by Boesen to adopt. Motion Carried 7-0.**

**PUBLIC IMPROVEMENTS**

7. Ordering construction of the following:

[22-0013](#) (A) [Observatory](#) Road Reconstruction from Polk Blvd West to Parking Lot: Receiving of bids, (1-25-22) and Setting date of hearing, (2-21-22), Engineer’s estimate, \$524,000. ([Council Communication No. 22-010](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

[22-0014](#) (B) [Neal](#) Smith Trail Rehabilitation – Euclid Avenue to Saylor Creek Bridge: Receiving of bids, (1-25-22) and Setting date of hearing, (2-21-22), Engineer’s estimate, \$821,000. ([Council Communication No. 22-009](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

[22-0015](#) (C) [Des](#) Moines Levee Alterations – Phase C: Receiving of bids, (2-8-22), and Setting date of hearing, (3-7-22), Engineer’s estimate, \$14,200,000. ([Council Communication No. 22-012](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

[22-0016](#) (D) [Animal](#) Control Facility Bid Package No. 1 – Structural Steel and Erection: Receiving of bids, (2-1-22), and Setting date of hearing, (2-21-22), Engineer’s estimate, \$455,000. ([Council Communication No. 22-008](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

[22-0017](#) 8. [Approving](#) Professional Services Agreement (PSA) with Olsson, Inc. for traffic engineering services for the Traffic Signal System Timing Updates – Phase 4, not to exceed \$284,051.44. ([Council Communication No. 22-011](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

- [22-0018](#) 9. [Approving](#) Private Construction Contract between Vanderpool Construction, Inc. and MidState Properties, LLC for Storm Sewer Improvements in 1929 SE 14<sup>th</sup> Court. **Moved by Boesen to adopt. Motion Carried 7-0.**
10. Approving completion and acceptance of Private Construction Contracts:
- [22-0019](#) (A) [Storm](#) Sewer Improvements in the Woods of Copper Creek Plat 3 between Team Excavating, Inc. and HDR Land Development, LLC. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [22-0020](#) (B) [Storm](#) Sewer Improvements in 2650 University Avenue between Corell Contractor, Inc. and Hotel Francis, LLC. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [22-0021](#) (C) [Storm](#) Sewer Improvements in 401 SE 6<sup>th</sup> Street between Corell Contractor, Inc. and Connolly Lofts Associates, LP. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [22-0022](#) 11. [Communication](#) from contractors requesting permission to sublet certain items on public improvement project. **Moved by Boesen to adopt. Motion Carried 7-0.**
12. Accepting completed construction and approving final payment for the following:
- [22-0023](#) (A) [Meredith](#) Trail Bank Repair Near SW 7<sup>th</sup> Street, RW Excavating Solutions, LC. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [22-0024](#) (B) [Euclid](#) Avenue Three Lane Pilot Project-2<sup>nd</sup> Avenue to 12<sup>th</sup> Street, Van Maanen Electric, Inc. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [22-0025](#) (C) [Glendale](#) Cemetery Road Reconstruction Phase 3, Hawkeye Paving Corporation. **Moved by Boesen to adopt. Motion Carried 7-0.**

#### LAND/PROPERTY TRANSACTIONS

- [22-0026](#) 13. [Acquisition](#) of the necessary property interests for the Easton Boulevard Reconstruction – E. 33<sup>rd</sup> Street to Fourmile Creek Project. ([Council Communication No. 22-006](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [22-0027](#) 14. [Partially](#) releasing Letter of Credit Surety for Parkside Estates Plat 1. **Moved by Boesen to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [22-0028](#) 15. [Communication](#) from Carole Jones advising of her resignation from the Housing Appeals Board, Seat 7, effective immediately. **Moved by Boesen to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**
- [22-0029](#) 16. [Communication](#) from Jake Grothoff advising of his resignation from the Greater Des Moines Sister Cities Commission, Seat 3, effective immediately. **Moved by Boesen to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [22-0030](#) 17. [Communication](#) from Jared Morford advising of his resignation from the Transportation Safety Committee, Seat 7, effective immediately. **Moved by Boesen to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [22-0031](#) 18. [Communication](#) from Steve Wallace advising of his resignation from the Plan and Zoning Commission, Seat 10, effective immediately. **Moved by Boesen to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**
- [22-0032](#) 19. [Recommendation](#) from Council Member Westergaard to appoint Andrew Lorentzen to the Plan and Zoning Commission, Seat 10, to fill vacancy with a term expiring July 5, 2024. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [22-0033](#) 20. [Appointing](#) Mayor T.M. Franklin Cownie, Ward III Council Member Josh Mandelbaum, and Ward I Council Member Indira Sheumaker to the Homeless Coordinating Council (HCC). **Moved by Boesen to adopt. Motion Carried 7-0.**
- [22-0034](#) 21. [Appointments](#) for Calendar Year 2022 to the Metropolitan Planning Organization (MPO), MPO Executive Committee and the Transportation Technical Committee (TTC). **Moved by Boesen to adopt. Motion Carried 7-0.**
- [22-0035](#) 22. [Appointing](#) Carl Voss to the Des Moines Arts Festival Board of Directors. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [22-0036](#) 23. [Appointing](#) Joe Gatto as the Primary and Indira Sheumaker as the Alternate Members to the Metro Waste Authority (MWA) for the calendar year of 2022. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [22-0037](#) 24. [Appointing](#) Linda Westergaard as primary member to the Neighborhood Finance Corporation (NFC) Board of Directors. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [22-0038](#) 25. [Appointing](#) Council Member Indira Sheumaker to the IMPACT Community Action Partnership. **Moved by Boesen to adopt. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- [22-0039](#) 26. Regarding City-initiated request for vacation of a remaining east-to-west alley segment to the west of 6<sup>th</sup> Avenue in the block between Walnut Street and Mulberry Street. **Moved by Mandelbaum to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 6-1. Nays: Sheumaker.**

## SETTING DATE OF HEARINGS

- [22-0040](#) 27. On request from Drake University for review and approval of an amendment to the “University Square” Legacy Planned Unit Development and rezoning for property at 1236 24<sup>th</sup> Street, to remove approximately 0.56 acres to be rezoned to MX2 Mixed Use District to allow development of a mixed-use project including residential and commercial uses, (1-24-22). **Moved by Boesen to adopt. Motion Carried 7-0.**
- [22-0041](#) 28. To correct the vacation of a portion of Cohen Park located north of and adjoining 1106 Scott Avenue and to issue a corrected quit claim deed to Des Moines Climate Controlled Self Storage, LLC, (1-24-22). **Moved by Boesen to adopt. Motion Carried 7-0.**
- [22-0042](#) 29. On appeal by Shelden Holdings, LLC of denial of Type 2 Design Alternative for Site Plan for property located at 2551 Douglas Avenue, (1-24-22). **Moved by Boesen to adopt. Motion Carried 7-0.**
- [22-0043](#) 30. On appeal from Glad Tidings Assembly of God Church (Owner), represented by Bill Wenig, (Officer), on denial of a Type 2 Design Alternative for Site Plan for property located at 2145 East Army Post Road, (1-24-22). **Moved by Boesen to adopt. Motion Carried 7-0.**

## APPROVING

- [22-0044](#) 31. Issuance of Certificate of Completion to Stapek Partners, LLC (Tim Rypma) for historic renovation of existing commercial building located at 112 SE 4<sup>th</sup> Street. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [22-0045](#) 32. Issuance of Certificate of Completion to Des Moines Cold Storage Company, Inc. and Crossroads Cold Storage, LLC (C.J. Morton) a 112,000 square-foot Office/Warehouse located at SE 43<sup>rd</sup> and Vandalia Road. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [22-0046](#) 33. Issuance of Certificate of Completion for JR Partners, LLC for the historic renovation of 401 East Court Avenue. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [22-0047](#) 34. Second renewal agreement to License Agreement with Islamic Center of Des Moines for use of a portion of Glendale Cemetery to bury deceased members of Islamic Faith. (Council Communication No. 22-002) **Moved by Sheumaker to adopt. Motion Carried 7-0.**

35. Communication of fire escrow at the following locations:

[22-0048](#)

(A) [1513](#) E. 23<sup>rd</sup> Street. **Moved by Boesen to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of notice received on November 15, 2021, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**

[22-0049](#)

(B) [1738](#) Evergreen Avenue. **Moved by Boesen to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of notice received on December 3, 2021, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**

[22-0050](#)

(C) [2301](#) Forest Avenue. **Moved by Boesen to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of notice received on November 3, 2021, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**

[22-0051](#)

(D) [729](#) Boyd Street. **Moved by Boesen to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of notice received on October 6, 2021, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**

[22-0052](#)

36. [Release](#) of fire escrow at 1662 Northwest Drive. **Moved by Boesen to adopt. Motion Carried 7-0.**

37. Abatement of public nuisances as follows:

[22-0053](#)

(A) [125](#) SE 18<sup>th</sup> St. **Moved by Boesen to adopt. Motion Carried 7-0.**

[22-0054](#)

(B) [5902](#) Hickman Road. **Moved by Boesen to adopt. Motion Carried 7-0.**

[22-0055](#)

38. [Purchase](#) of a remote-operated explosive ordnance robot system for use by the statewide certified Explosive Ordnance Detection (EOD) teams from Safeware Inc. with the 2021 Homeland Security Explosive Ordnance Device Grant. ([Council Communication No. 22-004](#)) **Moved by Boesen to adopt. Motion Carried 6-1. Nays: Sheumaker.**

[22-0056](#)

39. [Purchase](#) of two (2) ruggedized portable digital imaging systems for statewide Explosive Ordnance Detection (EOD) teams from Scanna MSC, Inc. with 2021 Homeland Security Explosive Ordnance Grant. ([Council Communication No. 22-005](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Sheumaker.**

[22-0057](#)

40. [Purchase](#) from B & G Construction (Gary Bowen, Owner) for an annual contract with five (5) additional one year renewal options to furnish board-up services for vacant and abandoned houses, (Eight potential bidders, one bid received). ([Council Communication No. 22-001](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**



[22-0058](#)

- 41. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of January 10 and 17, 2022; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of January 10 and 17, 2022; to draw checks for biweekly payroll due January 14, 2022. **Moved by Boesen to adopt. Motion Carried 7-0.**

**ORDINANCES - FINAL CONSIDERATION**

[22-0059](#)

- 42. [Amending](#) Chapter 114 of the Municipal Code to facilitate the use of multi-space parking meters. **Moved by Boesen that this ordinance do now pass, #16,095. Motion Carried 7-0.**

[22-0060](#)

- 43. [Amending](#) Sections 2-1176 and 2-1177, relating to the creation, composition, appointment and powers and duties of the Youth Advisory Board. **Moved by Sheumaker to continue to the January 24, 2022 Council Meeting to allow Legal to draft changes to Section 2-1177 adding Council response to recommendations made. Motion Carried 7-0.**

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

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 44 THRU 47)**

- 44. Regarding items related to EMC Lease Agreement as follows:

[22-0061](#)

- (A) [Public](#) hearing on the proposition to authorize a lease with Employers Mutual Casualty Company (EMC) for the lease of real estate and park improvements at located at 701 Walnut Street for use by the Parks and Recreation Department as a public park. ([Council Communication No. 22-003](#)) **Moved by Mandelbaum to adopt. Motion Carried 6-1. Nays: Sheumaker.**

[22-0062](#)

- (B) [Approving](#) form and authorizing execution of the lease agreement. **Moved by Mandelbaum to adopt. Motion Carried 6-1. Nays: Sheumaker.**

[22-0063](#)

- 45. [On](#) request from Employers Mutual Casualty Company to amend the PlanDSM: Creating Our Tomorrow future land use designation of 701 Walnut Street from Downtown Mixed Use to Park/Open Space and to rezone the property from DX1 Downtown District to P2 Public Civic and Institutional District to allow development of a Public Recreation Area use. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

- [22-0064](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [22-0065](#) (B) **Final** consideration of ordinance above (waiver requested by Cindy McCauley, VP Admin Services, EMC), requires six votes. **Moved by Mandelbaum that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #16,096. Motion Carried 6-1. Nays: Sheumaker.**
- [22-0066](#) 46. **On** request from Mid-Eastern Council on Chemical Abuse to amend PlanDSM: Creating Our Tomorrow future land use designation for property located at 3451 Easton Boulevard from Low Density Residential to Neighborhood Mixed Use, to allow rezoning and Group Living use of the Property for expansion of an existing outpatient rehabilitation facility and provision of overnight stay accommodations for patients. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [22-0067](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [22-0068](#) (B) **Final** consideration of ordinance above (waiver requested by Michelle De La Riva, Executive Director), 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, #16,097. Motion Carried 6-1. Nays: Gatto.**
- [22-0069](#) 47. **On** 2022 PCC Pavement Patching Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsible bidder as TK Concrete, Inc. (Tony J. Ver Meer, President), \$924,675. (**Council Communication No. 22-007**) **Moved by Voss to adopt. Motion Carried 7-0.**
- [22-0070](#) (A) **Approval** of contract and bond and permission to sublet. **Moved by Voss to adopt. Motion Carried 7-0.**

\*\*\*\* END OF HEARINGS 6:07 P.M. \*\*\*\*

## COMMUNICATIONS/REPORTS

[22-0071](#)

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

- (A) Adam Callanan.
- (B) Taylor Webber.
- (C) Bridget Pedersen.
- (D) Jolene Prescott.
- (E) John Noble.
- (F) Natalie Harwood.

[22-0072](#)

MOTION TO ADJOURN. **Moved by Cownie to adjourn at 6:52 PM. Motion Carried 7-0.**

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