



***** 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

March 21, 2022
5:00 P.M.

SPECIAL PRESENTATION

U.S. Mayor's Grant Award (4:50 P.M.)

- [22-0385](#) 1. ROLL CALL: **Present: Cownie, Boesen, Gatto, Sheumaker, Mandelbaum, Voss and Westergaard. Council Member Gatto participated in the meeting by phone.**
- [22-0386](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Boesen to adopt. Second by Voss. Motion Carried 7-0.**
- [22-0387](#) 3. APPROVING CONSENT AGENDA * – items 3 through 58: **Moved by Boesen to adopt the balance of the consent agenda. Second by Gatto. Motion Carried 7-0.**

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

LICENSES AND PERMITS

[22-0388](#)

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

NEW APPLICATION

(A) DAVIS BALL PARK 4980 E 46TH ST Class B Beer

RENEWAL APPLICATIONS

- (B) BIG DOG BILLIARDS 4510 E 14TH ST Class C Liquor
- (C) CHICAGO SPEAKEASY 1520 EUCLID AVE Class C Liquor
- (D) DOWNTOWN PANTRY 218 6TH AVE #101 Class E Liquor
- (E) EATARY/A 2932 INGERSOLL AVE Class C Liquor
- (F) GIT N GO STORE #10 816 E EUCLID AVE Class C Beer
- (G) HARBINGER 2724 INGERSOLL AVE Class C Liquor
- (H) HAWKEYE ELKS LODGE 1401 WALKER ST Class A Liquor
- (I) HY VEE FOOD STORE #3 3221 SE 14TH ST Class E Liquor
- (J) HY VEE WINE & SPIRITS 2310 HUBBELL AVE Class E Liquor
- (K) IOWA BEEF STEAK HOUSE 1201 E EUCLID AVE Class C Liquor
- (L) KUNG FU TAP & TACO 210 INDIANOLA RD Class C Liquor
- (M) LDS CORNER 344 E JACKSON AVE Class C Liquor
- (N) NEW ORIENTAL FOOD 515 E GRAND AVE Class C Beer
- (O) NOAHS ARK 2400 INGERSOLL AVE Class C Liquor
- (P) OASIS 1401 BUCHANAN ST Class E Liquor
- (Q) OVATIONS FOOD 233 CENTER ST Class C Liquor
- (R) PRICE CHOPPER 4343 MERLE HAY RD Class E Liquor
- (S) PRICE CHOPPER 4341 MERLE HAY RD Class C Beer
- (T) PRICE CHOPPER 3425 INGERSOLL AVE Class E Liquor
- (U) QUIK TRIP #527 614 UNIVERSITY AVE Class C Beer
- (V) SIMONS 5800 FRANKLIN AVE Class C Liquor
- (W) TACOS LA FAMILIA 1610 6TH AVE Class C Liquor
- (X) WISCO GRUB & PUB 3015 MERLE HAY RD Class C Liquor

SPECIAL EVENT APPLICATION

(Y) 85 BAR 120 E 5TH ST 5 days

CLASS C LIQUOR LICENSE FOR AN EVENT ON APRIL 2, 2022. PENDING APPROVAL OF BUILDING, ELECTRICAL, FIRE, VICE AND ZONING DEPARTMENTS.

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

[22-0389](#)

- (A) [2022](#) HMA Residential Paving Program Contract 2 - LOSST: Receiving of bids, (4-5-22) and Setting date of hearing, (5-9-22), Engineer’s estimate, \$1,600,000. [\(Council Communication No. 22-117\)](#) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**

- [22-0390](#) (B) [City-wide](#) Skywalk Joint Seal Replacements: Receiving of bids, (4-19-22) and Setting date of hearing, (5-23-22), Engineer's estimate, \$150,000. ([Council Communication No. 22-121](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0391](#) (C) [Western](#) Ingersoll Run Sewer Separation Phase 3: Receiving of bids, (4-5-22) and Setting date of hearing, (5-9-22), Engineer's estimate, \$5,400,000. ([Council Communication No. 22-137](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0392](#) 6. [Acceptance](#) of proposal from MidAmerican Energy Company to install new LED streetlights and banner arms for Ingersoll Avenue Streetscape from M.L. King Jr. Parkway to 28th Street (south side), estimated at \$249,687.06. ([Council Communication No. 22-116](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0393](#) 7. [Approving](#) Professional Services Agreement with Toole Design Group, LLC for professional services to develop a Vision Zero Citywide Transportation Safety Plan, not to exceed \$223,445. ([Council Communication No. 22-112](#)) **Moved by Voss to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0394](#) 8. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Foth Infrastructure and Environment, LLC for additional design and construction phase services for SW 9th Street Bridge over Middle Creek Replacement, not to exceed \$159,430. ([Council Communication No. 22-113](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0395](#) 9. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with SystemWorks L.L.C. for additional professional services for Animal Control Building Commissioning, not to exceed \$18,815. ([Council Communication No. 22-115](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0396](#) 10. [Approving](#) Change Order No. 14 with Koester Construction Company, Inc. for additional work on Municipal Service Center - Phase 2, in the amount of \$282,805. ([Council Communication No. 22-143](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0397](#) 11. [Approving](#) Private Construction Contract between Ryan Companies US, Inc. and the District Developer, LLC for Storm Sewer, Sanitary Sewer, and Paving Improvements in Market District Phase 1B. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0398](#) 11-I [Ratification](#) of the National Park Service Land and Water Conservation Fund grant application seeking \$200,000 for Stone Park Pickleball Court Construction and Basketball Court repair project. ([Council Communication No. 22-107](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [22-0399](#) 12. [Levying](#) assessments for costs of Nuisance Abatement-NAC-Emergency Assessment (Neighborhood Services), Schedule No. 2022-01. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [22-0400](#) 13. [Rededicating](#) the west two feet of 40th Street between Ingersoll Avenue and Grand Avenue for right-of-way purposes. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0401](#) 14. [Regarding](#) request from Anchor Investment Group, LLC (Michael Donlin, Officer) for review and approval of Preliminary Plat “Vale Street Development Plan” for property in the vicinity of 709 Vale Street, to allow development of 12 rowhome units. **Moved by Boesen to receive and file. Second by Gatto. Motion Carried 7-0.**
- [22-0402](#) 15. [Regarding](#) request from Capital City Real Estate, Inc. (Bruce Fillman, Officer) for review and approval of the Preliminary Plat “Fillman Subdivision Preliminary Plat” on property in the vicinity of 1415 East 38th Street, for development of six (6) one-household residential lots. **Moved by Boesen to receive and file. Second by Sheumaker. Motion Carried 5-2. Nays: Gatto and Westergaard. Motion by Sheumaker to allow public comment failed, no second.**
- [22-0403](#) 16. [Approving](#) 10 tax abatement applications for the additional value added by improvements completed during 2021. ([Council Communication No. 22-136](#)) **Moved by Boesen to adopt and to approve the timely and the late filed applications for the total number of years in the applicable exemption schedule, with the schedule to commence with the taxes payable in FY2022/23. Second by Gatto. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [22-0404](#) 17. [Recommendation](#) from Council Member Josh Mandelbaum to appoint Daniel Stalder to the Greater Des Moines Sister Cities Commission, Seat 13, for a five-year term commencing April 28, 2021 to expire April 28, 2026. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0405](#) 18. [Recommendation](#) from Council Member Boesen to appoint Justyn Lewis to the Plan and Zoning, Seat 5, for a five-year term commencing July 1, 2021, and a term expiring July 2, 2026. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0406](#) 19. [Recommendation](#) from Mayor T.M. Franklin Cownie to reappoint Roger Nowadzky to the Greater Des Moines Sister Cities Commission, Seat 2, for a five-year term commencing April 28, 2020 to expire April 28, 2025. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**

- [22-0407](#) 20. [Recommendation](#) from Council Member Josh Mandelbaum to reappoint Virginia Renda to the Greater Des Moines Sister Cities Commission, Seat 12, for a five-year term commencing April 28, 2021 to expire April 28, 2026. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0408](#) 21. [Recommendation](#) from Council Member Joe Gatto to reappoint Joe Nolte to the Greater Des Moines Sister Cities Commission, Seat 14, for a five-year term commencing April 28, 2020 to expire April 28, 2025. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0409](#) 21-I [Recommendation](#) from Council Member Westergaard to reappoint William C. Page to Plan and Zoning Commission Seat 11, with commencing on July 1, 2021, and expiring July 1, 2026. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0410](#) 22. [Communication](#) from Brandi Miller advising of her resignation from the Greater Des Moines Sister Cities Commission, Seat 10, effective immediately. **Moved by Boesen to receive, file and accept resignation with appreciation for her service. Second by Gatto. Motion Carried 7-0.**
- [22-0411](#) 23. [Communication](#) from Stephanie Weisenbach advising of her resignation from the Urban Design Review Board, Seat 9, effective immediately. **Moved by Boesen to receive, file and accept resignation with appreciation for her service. Second by Gatto. Motion Carried 7-0.**
- [22-0412](#) 24. [Communication](#) from Robin Witt advising of her resignation from the Transportation Safety Committee, Seat 9, effective immediately. **Moved by Boesen to receive, file and accept resignation with appreciation for her service. Second by Gatto. Motion Carried 7-0.**
- [22-0413](#) 25. [Communication](#) from Jasmine Brooks advising of her resignation from the Housing Appeals Board, Seat 6, effective immediately. **Moved by Boesen to receive, file and accept resignation with appreciation for her service. Second by Gatto. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [22-0414](#) 26. **Regarding** request from Polk County Conservation Board (Rich Leopold, Officer) for the vacation of portions of public street right-of-way in the vicinity of East 39th Street and Four Mile Drive and in the vicinity of East Aurora Avenue and Colfax Avenue, which would allow for the removal of roadways and restoration of the area for incorporation into the Lower Fourmile Creek Greenway. **Moved by Boesen and seconded by Gatto, to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division, excluding the proposed vacation of the right-of-way identified above as the north approximately 200 feet of East 40th Street, south of Washington Avenue. Motion Carried 7-0.**
- [22-0415](#) 27. **Regarding** City-initiated request for vacation of undeveloped segments of East Fulton Street and other right-of-way in the vicinity of Stone Park at 2100 SE 5th Street for conversion to parkland. **Moved by Boesen and seconded by Gatto, to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [22-0416](#) 28. **On** approval of the U.S. Department of Housing and Urban Development (HUD) Home Investment Partnerships Program – American Rescue Plan Allocation Plan (HOME-ARP), (4-18-22). **Moved by Boesen to adopt. Seconded by Gatto. Motion Carried 7-0.**
- [22-0417](#) 29. **On** vacation of portions of E. 41st Street, E. 41st Ct., E. 40th Ct., Four Mile Drive, E. 40th St., Hull Avenue and Colfax Avenue right-of-way located in the Fourmile Creek Floodplain and conveyance to Polk County Conservation Board for the Lower Fourmile Creek Greenway Project, (4-4-22). **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0418](#) 30. **On** request from Christian Life Assembly of God (Michael Hunsberger, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low-Medium Density Residential to Public/Semi-Public Use and to rezone 9001 Fleur Drive from “NX2” Neighborhood Mix to “P2” Public, Civic and Institutional to allow for new, larger signage, (4-4-22). **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0419](#) 31. **On** request from Holt Sales and Services LLC (Josh Holt, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Community Mixed Use and to rezone the property located in the vicinity of 2500 Dean Avenue from “N3c-4” Neighborhood to “RX2” Mixed Use to allow a non-accessory surface parking lot, (4-4-22). **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**

[22-0420](#) 32. [On](#) City-initiated request for properties generally located to the north of Vandalia Road between Southeast 30th Street to the west and the City’s corporate limits to the east, to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park to Industrial, and to rezone the property from “EX” Mixed Use to “I2” Industrial, (4-4-22). **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**

[22-0421](#) 33. [On](#) request from Hom Investments 6 LLC (Danny Heggen, Officer) to rezone 740 18th Street from “NX2a” Neighborhood Mix to “MX1” Mixed Use to allow use of the existing building as a restaurant and brewery, (4-4-22). **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[22-0422](#) 33-I [Appointment](#) of Mackenzie Moreno as an Assistant City Attorney 1 to fill a vacancy within the Legal Department effective no later than May 2, 2022, subject to meeting conditional offer. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**

[22-0423](#) 33-II [Appointment](#) of Gary Goudelock as an Assistant City Attorney II to fill a vacancy within the Interdepartmental Division of the Legal Department effective no later than April 4, 2022. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**

APPROVING

34. Number Not Used.

[22-0424](#) 35. [Grant](#) Agreement with Polk County Housing Trust Fund (PCHTF) for \$100,000 toward owner-occupied repair. ([Council Communication No. 22-125](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**

[22-0425](#) 36. [Second](#) Amendment to the Urban Renewal Development Agreement with Bridge District Level, LLC, Bridge District II Townhomes, LLC and Bridge District II, LLC (Rick Tollakson, Kris Sadoris) for the new construction of a 5-story, 114-unit multi-family housing project and a 25-unit rowhome project located in the 300 block of Maple Street. ([Council Communication No. 22-138](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**

[22-0426](#) 37. [Request](#) for outdoor special event (Knock and Drop Iowa fundraiser) in accordance with “Franklin Junior High School” PUD Conceptual Plan at 4801 Franklin Avenue. ([Council Communication No. 22-123](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**

[22-0427](#) 38. [Proposal](#) for the provisions of Municipal Parking Facilities Management Services from ABM Industry Groups, Inc. and authorizing execution of agreement for management services with ABM Industry Groups, Inc. ([Council Communication No. 22-142](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**

- [22-0428](#) 39. [Communication](#) from Downtown DSM, Inc., on behalf of the Downtown Farmers Market, for approval of up to 28 banners on banner poles in downtown Des Moines beginning the first week of April through the first week of November 2022. **Moved by Boesen to approve banner design. Second by Gatto. Motion Carried 7-0.**
- [22-0429](#) 40. [Amendment](#) to Chapter 28E Agreement with the Board of Water Works Trustees of the City of Des Moines for the care and maintenance of the Fleur Drive medians. ([Council Communication No. 22-109](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0430](#) 41. [Use](#) of various City Facilities as poll sites for the Primary Election on Tuesday, June 7, 2022. **Moved by Boesen to approve. City Clerk will notify the Parks Department and the Housing Services Department to arrange access to the buildings. Second by Gatto. Motion Carried 7-0.**
- [22-0431](#) 42. [Revised](#) combined precinct agreement with the City of Norwalk. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0432](#) 43. [Receive](#) and file the Annual Comprehensive Financial Report for the fiscal year ending June 30, 2021. ([Council Communication No. 22-111](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0433](#) 44. [Receive](#) and file communication from the Beaverdale SSMID Board regarding the levy for the Beaverdale Self-Supported Municipal Improvement District (SSMID). **Moved by Boesen to receive and file, second by Gatto. Motion Carried 7-0.**
- [22-0434](#) 45. [Receive](#) and file communication from the Highland Park SSMID Board regarding the levy for the Highland Park Self-Supported Municipal Improvement District (SSMID). **Moved by Boesen to receive and file, second by Gatto. Motion Carried 7-0.**
- [22-0435](#) 46. [Receive](#) and file communication from the Roosevelt Cultural District SSMID Board regarding the levy for the Roosevelt Cultural District Self-Supported Municipal Improvement District (SSMID). **Moved by Boesen to receive and file, second by Gatto. Motion Carried 7-0.**
- [22-0436](#) 47. [Budget](#) for the Ingersoll-Grand Self-Supported Municipal Improvement District (SSMID) for the fiscal year ending June 30, 2023. **Moved by Boesen to adopt, second by Gatto. Motion Carried 7-0.**
- [22-0437](#) 48. [Budget](#) for the SW 9th Corridor Self-Supported Municipal Improvement District (SSMID) for the fiscal year ending June 30, 2023. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**

- [22-0438](#) 49. [Budget](#) for the Downtown Self-Supported Municipal Improvement District (SSMID) for fiscal year ending June 30, 2023. **Moved by Boesen to adopt, second by Gatto. Motion Carried 7-0.**
- [22-0439](#) 49-I [Submittal](#) of Center Street Park and Ride Facility Annual Budget to Des Moines Area Regional Transit Authority (DART) and authorization of budget expenditures. **Moved by Boesen to adopt, second by Gatto. Motion Carried 7-0.**
- [22-0440](#) 50. [Fund](#) Transfer Resolution of the City of Des Moines (FY 2022). ([Council Communication No. 22-126](#)) **Moved by Boesen to adopt, second by Gatto. Motion Carried 7-0.**
- [22-0441](#) 51. [Fund](#) Transfer Resolution of the City of Des Moines (FY 2023). ([Council Communication No. 22-126](#)) **Moved by Boesen to adopt, second by Gatto. Motion Carried 7-0.**
52. Abatement of public nuisances as follows:
- [22-0442](#) (A) [3004](#) Columbia Street. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- WITHDRAWN (B) ~~1659 Des Moines Street.~~
- [22-0443](#) 53. [Communication](#) of fire escrow at 3902 1st 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 certified mail notice dated February 9, 2022, if owner(s) has not demolished or renovated the structure. Second by Gatto. Motion Carried 7-0.**
- [22-0444](#) 54. [Purchase](#) from Safeware Inc. (Edward A. Simons, President) for 49 night vision eye pieces with helmet mount and carrying case to be used by the statewide Tactical Response/Weapons of Mass Destruction Teams using grant award funds. ([Council Communication No. 22-108](#)) **Moved by Boesen. Seconded by Gatto to adopt. Motion Carried 6-1. Nays: Sheumaker.**
- [22-0445](#) 55. [Procurement](#) from ESO Solutions (Chris Dillie, President) of SaaS Software applications providing electronic records management for the Fire Department, \$62,081.60. ([Council Communication No. 22-114](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**

56. Purchases from the following:

- [22-0446](#) (A) [Reppert](#) Rigging & Hauling (Gregory Dickinson, Owner) for a contract to provide moving services to relocate various departments to the new MSC II facility, \$116,100. (Eighteen potential bidders, one received) ([Council Communication No. 22-140](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0447](#) (B) [Lawson](#) Products, Inc. (Michael DeCata, CEO) for shop shelving and benches to furnish the Municipal Services Center II per State of Iowa DAS contract, \$70,931.87. ([Council Communication No. 22-110](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0448](#) (C) [Lounsbury](#) Sand & Gravel (Ben Lounsbury, President), Sarah & Andrew Trucking (Rick Clark, President), Martin Marietta Aggregates (Howard Nye, President) and InRoads Paving (Joe Manatt, President) for an annual contract with four additional one-year renewal options to furnish construction and aggregate materials as requested by the Public Works Department, annual estimate \$400,000. (Eight potential bidders, five received) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0449](#) (D) [Heartland](#) Business Systems (Peter Helander, President) for Cisco DNA software suites for use for a term of five years pursuant to the Cisco Enterprise Agreement per State of Iowa contract as requested by the Information Technology Department, \$594,813.61. ([Council Communication No. 22-127](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0450](#) 57. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of March 21 and 28, 2022; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of March 21 and 28, 2022; to draw checks for biweekly payroll due March 25, 2022. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [22-0451](#) 58. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation changes as follows: **Moved by Boesen that this ordinance be considered and given second vote for passage. Seconded by Gatto. Motion Carried 7-0.**
- (A) Code modification to modify parking restrictions on East Douglas Avenue from E 42nd Street to NE 56th Street due to the East Douglas Avenue Reconstruction Project.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 59 THRU 81)

- [22-0452](#) 59. **On** conveyance of excess City property locally known as 31 East Creston Avenue to Daniel Garcia for \$500. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [22-0453](#) 60. **On** vacation of portion of East County Line Road located north of and adjoining 2351 East County Line Road and approval of land exchange agreement with Iowa Power and Light Company N/K/A MidAmerican Energy Company. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [22-0454](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Seconded by Voss. Motion Carried 7-0.**
- [22-0455](#) (B) Final consideration of ordinance above, requires six votes. **Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #16,110. Seconded by Voss. Motion Carried 7-0.**
- [22-0456](#) 61. **On** request from Mark Lile and Karen Lile to amend the PlanDSM: Creating Our Tomorrow future land use designation for property located at 1100 Army Post Road from Community Mixed Use to Industrial to allow rezoning from RX1 - Mixed Use District to I1 – Industrial District to allow for outdoor storage. **Moved by Mandelbaum and seconded by Gatto to adopt and DENY the proposed amendment to the PlanDSM: Creating Our Tomorrow Comprehensive Future Land Use Plan designation and rezoning, and to make the following findings of fact regarding the proposed land use plan amendment and rezoning: a. That the Plan and Zoning Commission voted 9-5 to DENY the proposed comprehensive plan amendment and the Plan and Zoning Commission voted 9-5 to DENY the proposed rezoning of the Property. b. If the proposed amendment to the PlanDSM future land use designation of the Property to Medium Density is not approved, then the proposed rezoning to is inapplicable due to nonconformance of Limited "NX1" with the PlanDSM designation of Low Density Residential. c. That the City Clerk received and filed a signed protest from owners of 20% or more of the property located within 200 feet of the exterior boundaries of the area included in the proposed zoning map amendment area, at or before the City Council hearing on the proposed zoning map amendment. d. The PlanDSM: Creating Our Tomorrow Comprehensive Future Land Use Plan designation of the Property is Low Density Residential, which is not in conformance with the proposed Medium Density Residential designation or proposed use of the Property as stated above as the higher density use does not fit with the Low-Density designation nor with existing zoning and development in the vicinity. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the Property, then the remedy is to seek relief from the Zoning Board of Adjustment. Recommend that this go to the Zoning Board of Adjustment for review, that there were no objections from the neighbors or neighborhood association. Motion Carried 7-0. Original motion by Mandelbaum to adopt Alternative A. Second by Boesen. Motion Carried 7**

yes. Motion by Sheumaker to reconsider item 61. Second by Mandelbaum. Motion Carried 7 yes.

[22-0457](#)

62. **On** request from the Oaks on Fleur, LLC to amend PlanDSM: Creating Our Tomorrow future land use designation for property located at 3010 Fleur Drive and 3020 Fleur Drive from Low Density Residential to Medium Density Residential to rezone from N3a – Neighborhood District to Limited NX1 – Neighborhood District to allow development of approximately 14 rowhomes dwelling units. **Moved by Mandelbaum and Seconded by Boesen to continue the public hearing until April 4, 2022, at 5:00 p.m. in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, and to direct the City Manager and Legal Department to prepare the necessary legislation to APPROVE the proposed PlanDSM Comprehensive Future Land Use Plan amendment from Low Density Residential to Medium Density Residential and APPROVE the proposed rezoning from 'N3a' Neighborhood District to Limited 'NX1' Neighborhood District, subject to conditions acceptable to the City and the owner(s). Motion Carried 6-1. Nays: Cownie.**

[22-0458](#)

63. **On** request from Wendy Steffes and Dave Steffes to amend PlanDSM: Creating Our Tomorrow future land use designation for property located at 514 Foster Drive from Parks and Open Space to Low Density Residential and to allow rezoning from P2 – Public, Civic and Institutional District to Limited N1a – Neighborhood District to allow combining with adjacent property for construction of a cabana. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 7-0.**

[22-0459](#)

- (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Seconded by Boesen. Motion Carried 7-0.**

[22-0460](#)

- (B) **Final** consideration of ordinance above (waiver requested by Wendy Steffes and David Steffes), 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, #16,111. Seconded by Boesen. Motion Carried 7-0.**

64. Items regarding the Airport Cowles Drive Reconstruction – Phase 2 Project:

[22-0461](#)

- (A) **On** the Fifth Amendment to Real Estate Lease and Asset Transfer Agreement to exclude excess property adjoining Fleur Drive between Highview Drive and McKinley Avenue, and to include property located west of and adjoining Southwest 46th Street north of McKinley Avenue. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 7-0.**

[22-0462](#)

- (B) **Resolution** dedicating additional Fleur Drive right-of-way as part of the Airport Cowles Drive Reconstruction – Phase 2 Project. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 7-0.**

- [22-0463](#) 65. **On** City-initiated request to amend the existing PlanDSM: Creating Our Tomorrow Comprehensive Future Land Use Plan to adopt the South of Gray’s Lake Master Plan as an element. ([Council Communication No. 22-139](#)) **Moved by Mandelbaum and seconded by Boesen to adopt. Motion Carried 7-0.**
- [22-0464](#) 66. **On** lease agreement with Des Moines Historical Society for a portion of vacated parkland located south of University Avenue at the northeast corner of Waveland Golf Course. ([Council Communication No. 22-128](#)) **Moved by Voss to adopt. Second by Mandelbaum. Motion Carried 7-0.**
- [22-0465](#) (A) **On** request from Shive-Hattery for a Certificate of Appropriateness for “The Waveland Trolley Loop” commemorative sculpture and interpretive site, located in the 4900 block of University Avenue. **Moved by Voss to adopt. Seconded by Mandelbaum. Motion Carried 7-0.**
- [22-0466](#) 67. **On** the 2021 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER). ([Council Communication No. 22-124](#)) **Moved by Boesen to adopt. Seconded by Voss. Motion Carried 7-0.**
- [22-0467](#) 68. **On** consideration of the recommended Capital Improvement Program (CIP) for fiscal years 2022-23 through 2025-26. ([Council Communication No. 22-126](#)) **Moved by Boesen to adopt, second by Gatto. Motion Carried 7-0.**
- [22-0468](#) 69. **On** amendment to the annual budget for current fiscal year ending June 30, 2022. ([Council Communication No. 22-126](#)) **Moved by Westergaard to adopt, second by Boesen. Motion Carried 6-1. Pass: Sheumaker.**
- [22-0469](#) 70. **On** proposed budget for the fiscal year ending June 30, 2023. ([Council Communication No. 22-126](#)) **Moved by Westergaard to adopt, second by Voss. Motion Carried 6-1. Nays: Sheumaker.**
- [22-0470](#) 71. **On** Des Moines Levee Alterations – Phase B: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids. ([Council Communication No. 22-134](#)) **Moved by Boesen to adopt. Second by Voss. Motion Carried 7-0.**
- [22-0471](#) 72. **Animal** Control Facility Bid Package No. 2 – Grading, Utilities and Public Improvements (Streets): Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as MPS Engineers, P.C. dba Kingston Services, P.C. (Umesh G. Shetye, President), \$1,194,500. ([Council Communication No. 22-131](#)) **Moved by Boesen to adopt. Second by Westergaard. Motion Carried 7-0.**
- [22-0472](#) (A) **Approval** of contract and bond and permission to sublet. **Moved by Boesen to adopt. Second by Westergaard. Motion Carried 7-0.**

- [22-0473](#) 73. [Animal](#) Control Facility Bid Package No.4 – Concrete Building Foundations and Slab on Grade: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Jensen Builders Ltd. (Dale H. Jensen, President), \$631,300. ([Council Communication No. 22-145](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0474](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0475](#) 74. [Animal](#) Control Facility Bid Package No. 5 – Masonry: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Seedorff Masonry, Inc. (Mark Guetzko), \$634,740. ([Council Communication No. 22-132](#)) **Moved by Voss to adopt. Second by Westergaard. Motion Carried 7-0.**
- [22-0476](#) (A) [Approval](#) of contract and bond. **Moved by Voss to adopt. Second by Westergaard. Motion Carried 7-0.**
- [22-0477](#) 75. [Animal](#) Control Facility Bid Package No. 7 – Roofing and Sheetmetal: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Academy Roofing & Sheet Metal of the Midwest, Inc. dba Academy Roofing & Sheet Metal Co. (Brian Krumm, President), \$323,600. ([Council Communication No. 22-133](#)) **Moved by Boesen to adopt. Second by Westergaard. Motion Carried 7-0.**
- [22-0478](#) (A) [Approval](#) of contract and bond. **Moved by Boesen to adopt. Second by Westergaard. Motion Carried 7-0.**
- [22-0479](#) 76. [Animal](#) Control Facility Bid Package No. 9 – Drywall, Framing, Acoustic Ceilings and Painting: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsive, responsible bidder as 1st Interiors, Inc. (Jeffrey Dunn, President), \$1,135,000. ([Council Communication No. 22-144](#)) **Moved by Sheumaker to adopt. Second by Voss. Motion Carried 7-0.**
- [22-0480](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Sheumaker to adopt. Second by Voss. Motion Carried 7-0.**
- [22-0481](#) 77. [Animal](#) Control Facility Bid Package No. 14 – Mechanical: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsive, responsible bidder A. J. Allen Mechanical Contractors, Inc. (Mark W. Allen, President), \$3,539,973. ([Council Communication No. 22-118](#)) **Moved by Boesen to adopt. Second by Voss. Motion Carried 7-0.**
- [22-0482](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Boesen to adopt. Second by Voss. Motion Carried 7-0.**

- [22-0483](#) 78. [Animal](#) Control Facility Bid Package No. 15 – Electrical: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsive, responsible bidder as Van Maanen Electric, Inc. (Nathan S. Van Maanen, President), \$949,700. ([Council Communication No. 22-120](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0484](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-0485](#) 79. [Animal](#) Control Facility Bid Package No. 16 – Site Paving: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsive, responsible bidder as Jensen Builders Ltd. (Dale H. Jensen, President), \$227,700. ([Council Communication No. 22-129](#)) **Moved by Westergaard to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0486](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Westergaard to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0487](#) 80. [Animal](#) Control Facility Bid Package No. 17 – Landscaping: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsive, responsible bidder as Alpha Landscapes, LLC (Riley Marvin, Owner), \$145,950. ([Council Communication No. 22-130](#)) **Moved by Voss to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0488](#) (A) [Approval](#) of contract and bond. **Moved by Voss to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0489](#) 81. [Dismissing](#) hearings on approval of plans, specifications, form of contract, and engineer’s estimate on Animal Control Facility bid package numbers 3, 6, 8, 10, 11, 12 and 13 due to no bids being received. ([Council Communication No. 22-119](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- (A) Ordering construction of the following:
- [22-0490](#) (1) [Animal](#) Control Facility Bid Package No. 3 – General Carpentry, No. 6 – Architectural Millwork, No. 8 – Glazing and Metal Panels, No. 10-Tile, No. 11-Fluid Applied Flooring: Receiving of bids, (4-26-22) and Setting date of hearing, (5-9-22), Engineer’s estimate, \$1,480,000. ([Council Communication No. 22-146](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-0491](#) (2) [Animal](#) Control Facility Bid Package No. 12 - Kennels and Cat Cages: Receiving of bids, (4-26-22) and Setting date of hearing, (5-9-22), Engineer’s estimate, \$450,000. ([Council Communication No. 22-146](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-0492](#)

- (3) [Animal](#) Control Facility Bid Package No. 13 – Fire Suppression: Receiving of bids, (4-5-22) and Setting date of hearing, (5-9-22), Engineer’s estimate, \$100,000. ([Council Communication No. 22-146](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

**** END OF HEARINGS 7:42 P.M. ****

ORDINANCES - FIRST CONSIDERATION

[22-0493](#)

82. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulations changes as follows: ([Council Communication No. 22-141](#)) **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Seconded by Voss. Motion Carried 7-0.**

(A) Proposed code change to allow additional on-street parking on Walnut Street between 3rd Street and 4th Street and to match field conditions.

[22-0494](#)

- (B) Final consideration of ordinance above, requires six votes. **Moved by Mandelbaum that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#16,112](#). Seconded by Voss. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

[22-0495](#)

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

- (A) Denver Foote
- (B) Adam Callanan
- (C) Veola Perry
- (D) Lori Ann Young
- (E) Laural Clinton
- (F) Bridget Pedersen
- (G) Carrie Gosnell
- (H) Amy Luebbert
- (I) Tony Gardner
- (J) Chris Robinson
- (K) Jolene Prescott
- (L) Abby Bankes
- (M) Micah McCutchan
- (N) Courageous Fire
- (O) Michaelyn Mankel

[22-0496](#)

MOTION TO ADJOURN. Moved by Cownie to adjourn at 8:38 PM. Motion Carried 7-0.