



***** 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

July 18, 2022
5:00 PM

PROCLAMATIONS – 4:55 PM

National Night Out

- [22-1108](#) 1. ROLL CALL: **Present: Cownie, Boesen, Gatto, Mandelbaum, Sheumaker, Voss and Westergaard.**
- [22-1109](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1110](#) 3. APPROVING CONSENT AGENDA * – items 3 through 48: **Moved by Gatto to adopt the balance of the Consent Agenda. Second by Boesen. 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

[22-1111](#)

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

NEW APPLICATIONS

(A)	BIG GROVE DES MOINES	555 17TH ST	Class C Liquor
(B)	CASA CANCUN BAR & GRILL	1951 INDIANOLA AVE	Class C Liquor
(C)	DRAKE UNIVERSITY STADIUM	2719 FOREST AVE	Special Class C
(D)	EL CHERO	1828 HUBBELL AVE	Class C Liquor
(E)	ROYAL MART	111 SW 63RD ST	Class E Liquor
(F)	YOUR BEST FRIENDS BAR	6218 WILLOWMERE DR	Class C Liquor

RENEWAL APPLICATIONS

(G)	AIRPORT HOLIDAY INN	6111 FLEUR DR	Class B Liquor
(H)	APPLEBEES	6301 SE 14TH ST	Class C Liquor
(I)	APPLEBEES	3900 MERLE HAY RD	Class C Liquor
(J)	BLACKBIRD HOSPITALITY	713 WALNUT ST	Class C Liquor
(K)	BLANK GOLF COURSE	711 COUNTY LINE RD	Class C Liquor
(L)	BOWLERAMA	1313 E DIEHL AVE	Class C Liquor
(M)	CONSERVATORY	315 E 5TH ST #2	Class C Liquor
(N)	COPPER CUP	207 4TH ST	Class C Liquor
(O)	DES MOINES AMVETS	2818 5TH AVE	Class A Liquor
(P)	DJANGO	1420 LOCUST ST	Class C Liquor
(Q)	DOUGH CO PIZZA	2330 UNIVERSITY AVE	Special Class C
(R)	DRAKE UNIVERSITY	2875 UNIVERSITY AVE	Class C Liquor
(S)	EL PATIO	611 37TH ST	Class C Liquor
(T)	FRESKO	909 LOCUST ST	Class C Liquor
(U)	GIT N GO STORE #26	2140 E PARK AVE	Class C Beer
(V)	GIT N GO STORE #7	3000 MERLE HAY RD	Class C Beer
(W)	GRAZIANO BROTHERS	1601 SOUTH UNION ST	Class B Wine
(X)	HY VEE FAST & FRESH	5801 HICKMAN RD	Class E Liquor
(Y)	LA HACIENDA	6050 SE 14TH ST	Class C Liquor
(Z)	LA FAVORITA	1700 E GRAND AVE	Class C Beer
(AA)	LATIN KING	2200 HUBBELL AVE	Class C Liquor
(BB)	PHO REAL KITCHEN AND BAR	200 4TH ST	Class C Liquor
(CC)	QUICK STAR	2701 INGERSOLL AVE	Class C Beer
(DD)	SAKARI SUSHI LOUNGE	2605 INGERSOLL AVE	Class C Liquor
(EE)	SMOKIN JOES #4	2800 E UNIVERSITY AVE	Class E Liquor
(FF)	SUPER QUICK SMOKES	5625 HICKMAN RD	Class C Beer
(GG)	TEQUILA RESTAURANT	2824 EASTON BLVD	Class C Liquor
(HH)	ZOMBIE BURGER	300 E GRAND AVE #100	Class C Liquor

SPECIAL EVENT APPLICATIONS

- (II) BIRDS NEST 3000 E GRAND AVE #17 14 days
CLASS B BEER LICENSE FOR THE IOWA STATE FAIR ON AUGUST 11 - 21, 2022.

(JJ) BUD TENT 3000 E GRAND AVE #23 14 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR THE IOWA STATE FAIR ON
AUGUST 11 - 21, 2022.

(KK) DEPOT 3000 E GRAND AVE #069 14 days
CLASS B BEER LICENSE FOR THE IOWA STATE FAIR ON AUGUST 11 - 21, 2022.

(LL) GREAT CATERERS OF IOWA 900 BLOCK 2ND AVE 5 days
CLASS C LIQUOR LICENSE FOR DEW TOUR ON JULY 29 - 30, 2022.

(MM) IOWA CRAFT BEER TENT 3000 E GRAND AVE 14 days
CLASS C LIQUOR LICENSE FOR THE IOWA STATE FAIR ON AUGUST 11 - 21, 2022.

(NN) IOWA STATE FAIR 3000 E GRAND AVE 14 days
CLASS C NATIVE WINE FOR THE IOWA STATE FAIR ON AUGUST 11 - 21, 2022.

(OO) IOWA STATE FAIR 3000 E GRAND AVE 14 days
CLASS B BEER PERMIT FOR THE IOWA STATE FAIR ON AUGUST 11 - 21, 2022

(PP) IOWA STATE FAIR 3000 E GRAND AVE 14 days
CLASS C LIQUOR LICENSE FOR THE IOWA STATE FAIR ON AUGUST 11 - 21, 2022

(QQ) STOCKMANS INN 3000 E GRAND AVE 14 days
CLASS B BEER PERMIT FOR THE IOWA STATE FAIR ON AUGUST 11 - 21, 2022.

(RR) SUSAN KNAPP AMPHITHEATER 551 E 34TH ST 14 days
CLASS B BEER PERMIT FOR THE IOWA STATE FAIR ON AUGUST 11 - 21, 2022.

(SS) TANGERINE FOOD COMPANY 2251 GEORGE FLAGG 5 days
CLASS C LIQUOR LICENSE FOR BALLET DES MOINES ON AUGUST 3, 2022.

(TT) YOUR PRIVATE BAR 504 E LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING RECEPTION ON AUGUST 6, 2022.

(UU) YOUR PROVATE BAR 313 WALNUT ST 5 days
CLASS C LIQUOR LICENSE FOR SMOKE OUT HUNGER ON JULY 31, 2022.

OUTDOOR SERVICE AREA

(VV) CLYDES FINE DINER 111 E GRAND AVE #111
PERMANENT.

[22-1112](#)

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- [22-1113](#) (A) [2022](#) Sewer Lining Program: Receiving of bids, (8-9-22) and Setting date of hearing, (9-12-22), Engineer's estimate, \$2,500,000. ([Council Communication No. 22-327](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1114](#) (B) [2022](#) HMA Resurfacing Program Contract 1: Receiving of bids, (8-9-22) and Setting date of hearing, (8-22-22), Engineer's estimate, \$1,500,000. ([Council Communication No. 22-329](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1115](#) 7. [Approving](#) the execution of Iowa Department of Transportation (IDOT) Agreement for Intelligent Transportation Systems Upgrade – Phase 3. ([Council Communication No. 22-341](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1116](#) 8. [Acceptance](#) of proposal from MidAmerican Energy Company to install new LED streetlights for the E. Douglas Avenue Reconstruction – E. 42nd Street to E. 56th Street, estimated cost \$159,409.69. ([Council Communication No. 22-336](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1117](#) 9. [Approving](#) Professional Services Agreement with Bolton & Menk, Inc. for the E. 6th Street & E. 7th Street/Pennsylvania Avenue Corridor Study, not to exceed \$136,087. ([Council Communication No. 22-335](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1118](#) 10. [Approving](#) Professional Services Agreement with Bolton & Menk, Inc. for 2025 Neighborhood Sidewalk Program, not to exceed \$179,300. ([Council Communication No. 22-330](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1119](#) 11. [Approving](#) Professional Services Agreement with HR Green, Inc. for design services for the McKinley Avenue Reconstruction (SW 9th Street – SW 14th Street) Project, not to exceed \$365,000. ([Council Communication No. 22-342](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1120](#) 12. [Approving](#) Supplemental Agreement No. 5 to the Professional Services Agreement with Barr Engineering Company for additional services for the Des Moines Levee Alterations – Phase C, not to exceed \$199,500. ([Council Communication No. 22-328](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1121](#) 13. [Approving](#) Change Order No. 1 with Herberger Construction Company, Inc. for additional work on SW 9th Street Bridge Replacement over Middle South Creek, \$71,610.76. ([Council Communication No. 22-343](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

14. Approving Private Construction Contracts for the following:

[22-1122](#)

- (A) [Sternquist](#) Construction, Inc. and Hubbell Realty Company for Paving Improvements in Grover Woods Plat 2. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1123](#)

- (B) [Elder](#) Corporation and Broadlawns Medical Center for Storm Sewer Improvements in 2970 University Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

15. Approving completion and acceptance of Private Construction Contracts between the following for Woods on the River Plat 11:

[22-1124](#)

- (A) [McAninch](#) Corporation and Riverwoods Place, LLC for Storm Sewer Improvements. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1125](#)

- (B) [McAninch](#) Corporation and Riverwoods Place, LLC for Sanitary Sewer Improvements. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1126](#)

- (C) [Sternquist](#) Construction Inc. and Hubbell Realty Company for Paving Improvements. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1127](#)

16. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

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

[22-1128](#)

- (A) [Market](#) District Sanitary Sewer and Force Main – MPS Engineers, PC d/b/a Kingston Services, PC. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1129](#)

- (B) [Drake](#) Park Shelter Renovation – GTG Construction. LLC. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1130](#)

- (C) [Des](#) Moines River Simon Estes Amphitheater Floodwall Improvements – Minturn, Inc. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

[22-1131](#)

18. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2022-06. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [22-1132](#) 19. [Conditionally](#) approving Via Three35 Final Plat and acceptance of easements and subdivision bond. ([Council Communication No. 22-339](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [22-1133](#) 20. [Approving](#) amendments to the Des Moines Civil & Human Rights Commission Rules and Regulations on dates and locations of meetings, roles of officers and structure of subcommittees and workgroups. ([Council Communication No. 22-349](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1134](#) 21. [Appointment](#) of T.M. Franklin Cownie to Iowa Confluence Water Trails (ICON) Board of Directors for a three (3) year term (2022-2025). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1135](#) 22. [Communication](#) from J. Cephas Z. K. Davis advising of his resignation from the Greater Des Moines Sister Cities Commission (Seat 11), effective July 13, 2022. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Second by Boesen. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [22-1136](#) 23. [Regarding](#) request from Euclid Foresight, LLC (Connor Delaney, Officer) for vacation of the westernmost 0.58 feet of an existing north/south alleyway adjoining 413 Euclid Avenue. **Moved by Gatto to receive and file communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Second by Boesen. Motion Carried 7-0.**
- [22-1137](#) 24. [Regarding](#) request from City of Des Moines for vacation of an undeveloped east/west alley right-of-way in the vicinity of SE 15th Street and E. Railroad Avenue to allow assembly of parcels for the City of Des Moines' solar field. **Moved by Gatto to receive and file communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Second by Boesen. Motion Carried 7-0.**
- [22-1138](#) 25. [Regarding](#) request from KEC Investments, LLC (Ryan Winter, Owner) for review and approval of a major Preliminary Plat "Stanton Ridge Preliminary Plat," on 7.93 acres of property in the vicinity of 2300 Stanton Avenue, for development of 26 lots for one-household residential uses along an extension of Emma Avenue. **Moved by Gatto to receive and file. Second by Boesen. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [22-1139](#) 26. [On](#) request from R. Michael Knapp 2001 Revocable Trust, Ellyn Patrice Knapp 2001 Revocable Trust, Ellyn P. Knapp Trust, and R Michael Knapp Trust (Owners) for property located in the vicinity of SW 56th Street, SW McKinley Avenue, and SW Watrous Avenue to amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential, Business Park and Development Control Zone to Development Control Zone and Low Density Residential, and to rezone the property from “P2” Public, Civic, and Institutional District, “EX” Mixed Use District, and “N2b” Neighborhood District to Limited “N2b” Neighborhood District, to allow the development of the property for one-household residential uses, (8-8-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Nays: Sheumaker.**
- [22-1140](#) 27. [On](#) vacation of excess east-west alley right-of-way located south of E. Railroad Avenue, north of Harriett Street and east of SE 15th Street, (8-8-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1141](#) 28. [On](#) vacation of City alley right-of-way located north of and adjoining 2513 High Street and conveyance to Robert Fuller, \$75, (8-8-22). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [22-1142](#) 29. [Approving](#) payment to Dave and Wendy Steffes for a damage claim. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

APPROVING

- [22-1143](#) 30. [Second](#) Amendment to Urban Renewal Development Agreement with the District Developer, LLC. ([Council Communication No. 22-348](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
31. Items regarding 1714 6th Avenue:
- [22-1144](#) (A) [Approving](#) preliminary terms of agreement with Ashworth Development LLC for the construction of a 4-story, 32-unit mixed use project. ([Council Communication No. 22-346](#)) **Moved by Sheumaker to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-1145](#) (B) [Approving](#) an economic development grant to match funding in support of Center at Sixth’s Nonprofit Innovation Fund grant application. **Moved by Sheumaker to adopt. Second by Gatto. Motion Carried 7-0.**

- [22-1146](#) 32. [Preliminary](#) Terms of an Urban Renewal Development Agreement with Exodus Group Investments, LLC for the construction of a new distribution light assembly warehouse at 1717 E. Army Post Road. ([Council Communication No. 22-350](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Pass: Mandelbaum.**
- [22-1147](#) 33. [Receipt](#) of resolution from Merle Hay Mall Reinvestment District Joint Board establishing Merle Hay Reinvestment District. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1148](#) 34. [Termination](#) of Urban Renewal Development Agreement with McKinley Manor, LLC. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1149](#) 35. [Submittal](#) of joint application with Polk County for funding through the 2022 Justice Assistance Grant Program, \$175,808. ([Council Communication No. 22-333](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1150](#) 36. [Expenditures](#) of American Rescue Plan Act (ARPA) funds. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1151](#) 37. [Expenditures](#) of American Rescue Plan Act (ARPA) funds for Central Iowa Basic Income Pilot Project. ([Council Communication No. 22-334](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Nays: Gatto.**
- [22-1152](#) 38. [Receipt](#) of financial reports from Des Moines Water Works. **Moved by Gatto to receive and file. Second by Boesen. Motion Carried 7-0.**
- [22-1153](#) 39. [Communication](#) from the Greater Des Moines Partnership on behalf of the The District Developers, requesting approval of placement for up to 10 banners to be displayed on banner poles in downtown Des Moines beginning the end of July 2022. **Moved by Gatto to receive, file and approve. Second by Boesen. Motion Carried 7-0.**
- [22-1154](#) 40. [Communication](#) from the Greater Des Moines Partnership on behalf of the Hoyt-Sherman Theater, requesting approval of placement for up to 40 banners to be displayed on banner poles in downtown Des Moines beginning the first week of September 2022. **Moved by Gatto to receive, file and approve. Second by Boesen. Motion Carried 7-0.**
41. Abatement of public nuisances as follows:
- [22-1155](#) (A) [4325](#) E 29th Street, Lot 151 garage. **Moved by Gatto to adopt. Seconded by Boesen. Motion Carried 7-0.**
- (B) Number not used.
- [22-1156](#) (C) [229](#) E Payton Avenue. **Moved by Gatto to adopt. Seconded by Boesen. Motion Carried 7-0.**
- [22-1157](#) (D) [2105](#) Forest Avenue. **Moved by Gatto to adopt. Seconded by Boesen. Motion Carried 7-0.**

- [22-1158](#) 42. [City](#) Manager communication regarding an emergency expenditure for roof repair and replacement for the clubhouse roof at A.H. Blank Golf Course, estimated amount \$135,000. ([Council Communication No. 22-323](#)) **Moved by Gatto to receive and file. Second by Boesen. Motion Carried 7-0.**
- [22-1159](#) 43. [First](#) Amendment to contract with FBG Service Corporation for professional custodial services at Municipal, Fleet Services, Public Works, Police and Parks Buildings. ([Council Communication No. 22-331](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1160](#) 44. [Exception](#) to the procurement ordinance request for proposals requirement for good cause and approving agreement with Park Consulting Group for Energov system support and enhancements for use by the IT Department, not to exceed \$120,000. ([Council Communication No. 22-344](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
45. Purchases from the following:
- [22-1161](#) (A) [Toter](#), Inc. (Chad Coauette, Executive Director/CEO) for solid waste collection carts per Sourcewell Cooperative contract for use by the Public Works Department, estimated cost \$508,000. ([Council Communication No. 22-322](#)) **Moved by Gatto to adopt. Seconded by Boesen. Motion Carried 7-0.**
- [22-1162](#) (B) [Heartland](#) Business Systems (Peter Helander, President) for a 5-year term Cisco Enterprise Agreement Security Bundle per NASPO ValuePoint Master Agreement and State of Iowa Participating Addendum for use by the IT Department, \$621,232.32. ([Council Communication No. 22-332](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1163](#) (C) [Gartner](#), Inc. (Eugene A. Hall, President) for a 1-year subscription for Information Technology research and advisory services per NASPO ValuePoint Master Agreement and State of Iowa Contract, \$104,507. ([Council Communication No. 22-338](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1164](#) 46. [Authorizing](#) the City Manager to approve the purchase of up to 40 vehicles for use in various City departments not to exceed \$1,700,000. ([Council Communication No. 22-324](#)) **Moved by Gatto to adopt. Seconded by Boesen. Motion Carried 7-0.**
- [22-1165](#) 47. [Rental](#) of Crafcoc wide crack sealer (\$18,000) and purchase of sealant material (\$89,250) from Logan Contractors Supply (Bruce Logan, President) for use by the Public Works Department, total \$107,250. ([Council Communication No. 22-321](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1166](#)

- 48. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of July 18, 25 and August 1, 2022; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of July 18, 25 and August 1, 2022; to draw checks for biweekly payroll due July 29, 2022. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 49 THRU 62)

[22-1167](#)

- 49. [On](#) vacation of City alley right-of-way located south of and adjoining 2512 Woodland Avenue and conveyance to Kelly Garner, \$75. **Moved by Mandelbaum to adopt. Second by Sheumaker. Motion Carried 7-0.**

[22-1168](#)

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

[22-1169](#)

- (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, #16,152. Seconded by Sheumaker. Motion Carried 7-0.**

[22-1170](#)

- 50. [On](#) vacation of portions of East Walnut Street right-of-way adjoining 317 E. 6th Street and conveyance of a Permanent Easement for Air Space Above City-Owned Property and a Permanent Easement for Subsurface Building Encroachment on City-owned Property to HOA EVMF, LLC for \$1,872. **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 7-0.**

[22-1171](#)

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

[22-1172](#)

- (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, #16,153. Second by Voss. Motion Carried 7-0.**

- [22-1173](#) 51. **To** correct the vacation of parkland adjacent to the northeast corner of Waveland Golf Course located south of and adjoining University Avenue. **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 7-0.**
- [22-1174](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Seconded by Voss. Motion Carried 7-0.**
- [22-1175](#) (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, #16,154. Seconded by Voss. Motion Carried 7-0.**
- [22-1176](#) 52. **On** conveyance of excess City-owned property at 2754 Payne Road to David Drustrup and Nidia Castillo Vazquez, \$25,000. **Moved by Sheumaker to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-1177](#) 53. **On** request from Hubbell Realty Company (Steve Moseley, Officer) for property located in the vicinity of 800 Murphy Street to rezone the property from “P1” Public, Civic, and Institutional District to “DXR” Downtown District to allow development of townhomes. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-1178](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 7-0.**
- [22-1179](#) (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, #16,155. Second by Gatto. Motion Carried 7-0.**
- [22-1180](#) 54. **On** request from QuikTrip Corp. (Jason Acord, Officer) for property located in the vicinity of 1200 Keosauqua Way to rezone the property from “MX2” Mixed-Use District and “MX3” Mixed-Use District to “DXR” Downtown District to allow development of townhomes. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1181](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 7-0.**

[22-1182](#)

- (B) Final consideration of ordinance above (waiver requested by Michael Derkenne, Member), 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, #16,156. Second by Boesen. Motion Carried 7-0.**

[22-1183](#)

55. On request from Forget Properties II, LLC (Norm Forget, Officer) for property located at 4230 Fleur Drive to rezone the property from “MX2” Mixed-Use District to “MX3” Mixed Use District to allow development of a drive-through for a restaurant use. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1184](#)

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

[22-1185](#)

- (B) Final consideration of ordinance above (waiver requested by the applicant), 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, #16,157. Second by Boesen. Motion Carried 7-0.**

[22-1186](#)

56. On request from 4021 Properties, LLC (Jenny Smith, Officer) for property located at 4019 and 4021 Ingersoll Avenue to amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Medium Density Residential to Community Mixed-Use, and to rezone the property from “NX2” Neighborhood Mix District to “RX2” Mixed-Use District to allow a 2-story building addition for expansion of office use and to continue to August 8, 2022 at 5:00 PM. **Moved by Mandelbaum to adopt. Seconded by Boesen. Motion Carried 7-0.**

WITHDRAWN

[22-1187](#)

- (A) First consideration of ordinance above.

WITHDRAWN

[22-1188](#)

- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

[22-1189](#)

57. On request from Fur Generation, LLC (Abdelaziz Abdelkarim, Officer) for property located in the vicinity of 2711 & 2713 Martin Luther King, Jr. Parkway, to amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Community Mixed Use to Industrial Use, and to rezone the property from “MX3” Mixed Use District to “I2” Industrial District to allow the use of the property as an auto recycling/ junk and salvage yard business. Plan and Zoning Commission recommends DENIAL. **Moved by Sheumaker 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. Motion Carried 7-0.**

- [22-1190](#) 58. **On** request from Stoney Pointe Car Wash, LLC (Lloyd D. Linn, Officer) for review and approval of a 2nd amendment to the Stoney Pointe PUD Conceptual Plan, on property located at 5901 SE 14th Street, to allow a Restaurant with a drive through use. **Moved by Gatto to adopt. Second by Mandelbaum. Motion Carried 7-0.**
- [22-1191](#) 59. **On** the proposition to authorize lease purchase agreements in the principal amount not to exceed \$125,000 for the purpose of acquiring certain items of equipment consisting of two Nissan Leaf SUV electric vehicles and one mid-size SUV vehicle. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Nays: Sheumaker.**
- [22-1192](#) 60. **On** request from Wade Investments, LLC for a Certificate of Appropriateness for Norden Hall at 425 E. Grand Avenue. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**
- [22-1193](#) 61. **On** the proposed Urban Renewal Plan for the East Army Post Road Urban Renewal Area. ([Council Communication No. 22-347](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [22-1194](#) (A) **Resolution** of Necessity. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [22-1195](#) 62. **On** Tower Park Futsal Court: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Berkey Homebuilders, Inc. d/b/a Concrete Professionals (Eric Berkey, President), \$184,737.25 ([Council Communication No. 22-337](#)) **Moved by Sheumaker to adopt. Second by Boesen. Motion Carried 7-0.**
- [22-1196](#) (A) **Approval** of contract and bond and permission to sublet. **Moved by Sheumaker to adopt. Second by Boesen. Motion Carried 7-0.**

END HEARINGS AT 5:32 PM

ORDINANCES – 2ND CONSIDERATION

- [22-1197](#) 63. [Rezone](#) 1210 and 1220 Army Post Road from Limited “MX3” Mixed Use District to Limited “MX3” Mixed Use District (continued from June 27th meeting). **Moved by Mandelbaum that this ordinance be considered and given second vote for passage. Second by Boesen. Motion FAILED 0-7. Nays: Cownie, Boesen, Gatto, Mandelbaum, Sheumaker, Voss and Westergaard.**

ORDINANCES – 1ST CONSIDERATION

- [22-1198](#) 64. [Amending](#) Section 98-55, relating to charges for solid waste collection service and fee reduction for renters participating in the State of Iowa Rent Reimbursement program. **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Sheumaker. Motion Carried 7-0.**

- [22-1199](#) (A) [Final](#) consideration of ordinance above (waiver requested by Jonathan Gano, Public Works Department Director), requires six votes. ([Council Communication No. 22-340](#)) **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, #16,158. Second by Sheumaker. Motion Carried 7-0.**

- [22-1200](#) 65. [Amending](#) Chapter 118, Article III of the Municipal Code relating to the regulation of industrial wastewater and commercial wastewater. ([Council Communication No. 22-326](#)) **Moved by Voss that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 7-0.**

- [22-1201](#) (A) [Final](#) consideration of ordinance above (waiver requested by Jonathan Gano, Public Works 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, #16,159. Second by Gatto. Motion Carried 7-0.**

- [22-1202](#) (B) [Amending](#) Schedule of Administrative Penalties regulating hauled waste and regulating fat, oil and grease discharge by food service establishments. **Moved by Voss to adopt. Seconded by Gatto. Motion Carried 7-0.**

APPROVING II

- [22-1203](#) 66. [Appointment](#) of Laura Baumgartner as City Clerk. **Moved by Boesen to adopt. Second by Voss. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

[22-1204](#)

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

- (A) Jolene Prescott
- (B) Adam Callanan
- (C) Taylor Webber
- (D) Bridget Botkin – Did not speak.
- (E) Sam Davis
- (F) Veola Perry
- (G) Laural Clinton

EXTRA ITEM

[22-1205](#)

1. [Directing](#) City Attorney to research and provide Council confidential advice regarding the legal ability of the City to regulate certain home-based sales. Sponsors: Mayor Cownie and Council Member Mandelbaum. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 7-0.**

[22-1206](#)

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

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