



***** 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 '23-' 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 6, 2023
5:00 P.M.

SPECIAL PRESENTATION – 4:45 P.M.

Check presentation from Polk County and Prairie Meadows

PROCLAMATION – 4:50 P.M.

Women's History Month

- [23-0273](#) 1. ROLL CALL: Present: Cownie, Boesen, Gatto, Mandelbaum, Sheumaker, Voss, and Westergaard. Mayor Cownie participated in the meeting by phone.
- [23-0274](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Cownie to adopt. Second by Gatto. Motion Carried 7-0.

[23-0275](#)

- 3. APPROVING CONSENT AGENDA * – items 3 through 44: **Moved by Gatto to adopt the balance of the Consent Agenda. Second by Voss. 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

[23-0276](#)

- 4. **Approving Alcoholic Beverage Applications for the following: Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

NEW APPLICATION

(A) DAVIS BALL PARK	4980 E 46TH ST	Special Class C
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RENEWAL APPLICATIONS

(B) BELLHOP	440 E GRAND AVE	Class C Liquor
(C) BUZZARD BILLYS	615 3RD ST	Class C Liquor
(D) CASEYS #3915	3200 SW 9TH ST	Class B Retail
(E) CHUCKS	3608 6TH AVE	Class C Liquor
(F) DOLLAR GENERAL #313	2574 HUBBELL	Class B Retail
(G) EL POLLO CATRACHO	4100 SE 14TH ST	Class C Liquor
(H) ESCAPE CHAMBERS	338 SW 6TH ST	Class C Liquor
(I) FRANCIES	2100 WAKONDA VIEW	Class C Liquor
(J) GIT N GO STORE #10	816 E EUCLID AVE	Class B Retail
(K) GOOD NEWS DARLING	717 LOCUST ST #102	Class C Liquor
(L) GOPUFF	1510 OHIO ST	Class B Retail
(M) GRANDVIEW GOLF COURSE	2401 E 29TH ST	Class C Liquor
(N) IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	Class C Liquor
(O) MALO RESTAURANT	900 MULBERRY ST	Class C Liquor
(P) MCCUENS PUB	2565 WEDGEWOOD RD	Class C Liquor
(Q) PRICE CHOPPER	1819 BEAVER AVE	Class E Liquor
(R) PRICE CHOPPER	3425 INGERSOLL AVE	Class E Liquor
(S) QUIK TRIP #527	614 UNIVERSITY AVE	Class B Retail
(T) STOP N SHOP	5000 SW 9TH ST	Class B Retail
(U) TACOS LA FAMILIA	1610 6TH AVE	Class C Liquor
(V) TRUMANS KC PIZZA TAVERN	400 SE 6TH ST	Class C Liquor
(W) WILLOW ON GRAND	6011 GRAND AVE	Class C Liquor

SPECIAL EVENT APPLICATIONS

(X) ANNIES IRISH PUB 311 COURT AVE 5 days
 CLASS C LIQUOR LICENSE FOR MARCH MADNESS ON MARCH 16 AND 18 AND ST PATRICKS DAY PARTY ON MARCH 17, 2023.

(Y) DMFD THE SHOP 901 CHERRY ST 5 days
 SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR AN EVENT ON MARCH 17, 2023.

(Z) DOWNTOWN EVENTS GROUP 400 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR DSM BOOK FESTIVAL ON MARCH 25, 2023.

(AA) IOWA CRAFT BEER TENT 313 WALNUT ST 5 days
CLASS C LIQUOR LICENSE FOR HOOPS & HOPS ON MARCH 16 – 18, 2023.

(BB) SALISBURY HOUSE 4025 TONAWANDA DR 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR MURDER MYSTERY ON MARCH
24 - 25, 2023.

(CC) TOP IT OFF LIQUID CATERING 1205 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR ST PATRICKS DAY PARTY ON MARCH 17, 2023.

[23-0277](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[23-0278](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

[23-0279](#) 7. [Ordering](#) construction of 2023 Sidewalk Replacement Program: Receiving of bids, (3-28-23) and Setting date of hearing, (4-10-23), Engineer's estimate, \$425,000. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[\(Council Communications No. 23-113\)](#)

[23-0280](#) 8. [Approving](#) and adopting the Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual, 2023 Edition, SUDAS Standard Specifications, 2023 Edition, and the City of Des Moines General Supplemental Specifications to the SUDAS Standard Specifications, 2023 Edition, as the official design standards and standard specifications and supplemental specifications for the City of Des Moines. [\(Council Communication No. 23-119\)](#) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

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

[23-0281](#) (A) [2021](#) Parking Garage Repair Program, Fisher Building Services, Inc. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[23-0282](#) (B) [Bell](#) Avenue Reconstruction from SW 9th Street to SW 12th Street, Grimes Asphalt and Paving Corporation. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

10. Re-levying corrected assessments for costs of nuisance abatement on certain properties in the following schedules: ([Council Communication No. 23-117](#))

- [23-0283](#) (A) [Schedule](#) No. 2022-10. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0284](#) (B) [Schedule](#) No. 2022-11. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0285](#) (C) [Schedule](#) No. 2022-12. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0286](#) (D) [Schedule](#) No. 2022-13. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0287](#) (E) [Schedule](#) No. 2023-01. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [23-0288](#) 11. [Accepting](#) PUD restoration bond for grading work at Gray's Station Plat 5 and to continue to March 27, 2023 at the request of the Developer. ([Council Communication No. 23-128](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0289](#) 12. [Dedicating](#) a portion of Martin Luther King Jr. Parkway right-of-way on the northeast corner of Martin Luther King Jr. Parkway and Clark Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0290](#) 13. [Approving](#) tax abatement applications for the additional value added by improvements completed in 2021 (1) and 2022 (70). ([Council Communication No. 23-129](#)) **Moved by Gatto to adopt and to approve the 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 Voss. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [23-0291](#) 14. [Approving](#) appointment of Tai Lieu as Alternate A and Jaki Livingston as Alternate B Representatives for the City of Norwalk to the Greater Des Moines Sister Cities Commission effective as of February 2, 2023. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0292](#) 15. [Recommendation](#) from Council Member Boesen to appoint Tyler Strub to the Building and Fire Code Board of Appeals, Seat 2, for a three-year term expiring April 1, 2025. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [23-0293](#) 16. [Regarding](#) request from Aurora Avenue Bible Church (Mike Cornelison, Officer) for review and approval of a Major Preliminary Plat “Aurora Avenue Bible Church Plat 1,” for property located at 45 NW Aurora Avenue in Saylor Township (unincorporated Polk County), which is within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow subdivision of the existing property for two (2) lots, including one (1) lot for the existing church use and one (1) lot for a one-household residential use. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0294](#) 17. [Regarding](#) request for review and approval of the Preliminary Plat “Gray’s Station Plat 5” in the vicinity of 1300 Tuttle Street, which would allow for the development of 65 one-household residential lots, one lot containing 2 condo buildings for a total of 84 residential units, a clubhouse amenity building, and two outlots and to continue to March 27, 2023 at the request of the Developer. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [23-0295](#) 18. [On](#) conveyance of a portion of vacated 41st Street located east of and adjoining 545 42nd Street by installment contract to St. Augustin’s Church of Des Moines, \$73,000, (3-27-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0296](#) 19. [On](#) request from Penske Truck Leasing Company, LP (Guy Holbert, Officer) for property located at 4101 E. 14th Street to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for approximately 1.03 acre of the western portion of the property from Community Mixed Use to Industrial, and to rezone the entire property from “MX3-V” Mixed Use District to “I1” Industrial District, to allow the expansion and site improvements for the existing truck parking facility, (3-27-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0297](#) 20. [On](#) request from Westco Hull, LLC (Derek West, Officer) for property located at 2101 Hull Avenue to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for the eastern portion of the property from Low Density Residential to Industrial, and to rezone the property from “I1” Industrial District and “N3a” Neighborhood District to Limited “I1” Industrial District to allow for a use that includes office and industrial components, (3-27-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0298](#) 21. [On](#) request from Twenty-Five Thirteen Woodland, LLC (Steve Wilke-Shapiro, Officer) for designation of the property at 2513 Woodland Avenue, including a commercial structure, as a Local Landmark named “Harlan’s Barbershop”, (3-27-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [23-0299](#) 22. [On](#) request from Fort Des Moines Memorial Park, Inc. (Jack Porter, Officer) for designation of the property at 75 E. Army Post Road, including Clayton Hall Museum and Chapel, as a Local Landmark named “Fort Des Moines Memorial Park”, (3-27-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0300](#) 23. [On](#) approval of the 2022 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER), (3-27-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0301](#) 24. [On](#) reprogramming of prior year’s unspent Community Development Block Grant (CDBG) Funds, a substantial amendment to the 2023 Action Plan with the U.S. Department of Housing and Urban Development (HUD) under the 2020-2024 Consolidated Plan, (4-10-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [23-0302](#) 25. [Approving](#) payment to Lourdes Hadenfeldt. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Nays: Mandelbaum.**
- [23-0303](#) 26. [Approving](#) payment to Des Moines Area Community College for a property damage claim and authorizing execution of a release and settlement agreement. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

APPROVING

27. Number not used.

WITHDRAWN

- [23-0304](#) 28. ~~[Preliminary](#) terms of an Urban Renewal Development Agreement with HOA Development, LLC for the construction of a 186 unit mixed use apartment building located at 603 E. 6th Street. ([Council Communication No. 23-124](#))~~
- [23-0305](#) 29. [First](#) amendment to Urban Renewal Development Agreement for sale of land for private redevelopment with Des Moines Climate Controlled Self Storage, LLC for property located at 503 SE 12th Street. ([Council Communication No. 23-120](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0306](#) 30. [Second](#) amendment to Urban Renewal Development Agreement with Terrace Hill I, LLC for the properties located at 2515 and 2525 Grand Avenue. ([Council Communication No. 23-131](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0307](#) 31. [Fourth](#) amendment to Urban Renewal Development Agreement for sale of land for private redevelopment with 101 East Grand Parking, LLC. ([Council Communication No. 23-121](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

32. Number not used.

[23-0308](#) 33. [ARPA](#) funding agreement with Des Moines Area Religious Council. ([Council Communication No. 23-133](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[23-0309](#) 34. [ARPA/LOSST](#) funding agreement with Des Moines Public Schools for food pantry program. ([Council Communication No. 23-133](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[23-0310](#) 35. [Renewal](#) of United States Department of Transportation and Iowa Department of Transportation Standard Title VI Assurances and Agreement. ([Council Communication No. 23-118](#)) **Moved by Gatto to adopt. Seconded by Voss. Motion Carried 7-0.**

[23-0311](#) 36. [Agreement](#) with Iowa State University of Science and Technology (ISU) for application of technology-based solutions to assess property conditions. ([Council Communication No. 23-130](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[23-0312](#) 37. [Acceptance](#) of 2019 Homeland Security Reallocation Grant program award. ([Council Communication No. 23-132](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Nays: Sheumaker.**

[23-0313](#) 38. [First](#) Amendment to 28E Agreement with Des Moines Water Works and Des Moines Water Works Park Foundation for construction and funding of Fleur Drive underpass regarding amount of Foundation funding thereunder. ([Council Communication No. 23-116](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[23-0314](#) 39. [Second](#) amended and restated receipt of a Certified Local Government (CLG) Grant Award from the State Historical Society of Iowa to partially fund development of a city-wide preservation plan. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[23-0315](#) 39-I [Release](#) of Fire Escrow at 1200 Lewis Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

40. Abatement of public nuisances as follows:

[23-0316](#) (A) [267](#) E. 16th Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[23-0317](#) (B) [2445](#) E. Grand Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[23-0318](#) (C) [1919](#) E. 9th Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [23-0319](#) 41. [Annual](#) agreement with four (4) additional one (1) year renewal options for concrete construction services with J & J Construction Corp. (Jody Zuniga, President) and Neumann Brothers, Inc. (Mike Simpson, President) for use by the Parks and Recreation Department and the City Manager, Facilities Division, total estimated annual amount \$270,000. (Eighty-nine (89) potential bidders, three (3) bids received). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0320](#) 42. [Additional](#) funds of \$78,036 for purchase of ballistic personal protection systems for use by the Police Department, total estimated annual amount \$198,036. ([Council Communication No. 23-108](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Nays: Sheumaker.**
- [23-0321](#) 43. [Additional](#) funds of \$750,000 for the annual agreement with Genuine Part Company d/b/a NAPA Auto Parts for integrated supply services for use by the Fleet Services Division, total estimated annual amount \$3,750,000. ([Council Communication No. 23-115](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0322](#) 44. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of March 6, 13 and 20, 2023; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of March 6, 13 and 20, 2023; to draw checks for biweekly payroll due March 10 and 24, 2023. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 45 THRU 62)

- [23-0323](#) 45. [On](#) conveyance of City-owned property to NFC Properties, LLC for redevelopment of housing. ([Council Communication No. 23-114](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0324](#) 46. [On](#) conveyance of excess City property locally known as 85 Jefferson Avenue to LT Leon Associates, Inc, \$15,000. ([Council Communication No. 23-125](#)) **Moved by Sheumaker to adopt. Second by Gatto. Motion Carried 7-0.**
- [23-0325](#) 47. [On](#) conveyance of excess City property locally known as 1439 and 1445 Michigan Street to TD & MD, LLC, \$40,000. ([Council Communication No. 23-126](#)) **Moved by Sheumaker to continue to the March 27, 2023 Council meeting. Second by Gatto. Motion Carried 7-0.**
- [23-0326](#) 48. [On](#) approval of documents for a land exchange agreement with Jerry’s Homes, Inc. for property located between E. Payton Avenue and E. Army Post Road for the Carlisle Trail Connection Project. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [23-0327](#) 49. **On** request from Urban Dreams (Izaah Knox, Officer) to amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Industrial to Community Mixed Use and to rezone 1615 2nd Avenue from “I1” Industrial District to “MX3” Mixed Use District to allow renovation and reuse of the existing building for “Office” and “Assembly” uses. **Moved by Sheumaker to adopt. Second by Cownie. Motion Carried 7-0.**
- [23-0328](#) (A) **First** consideration of ordinance above. **Moved by Sheumaker that this ordinance be considered and given first vote for passage. Second by Cownie. Motion Carried 7-0.**
- [23-0329](#) (B) **Final** consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Sheumaker 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, #16,225. Second by Cownie. Motion Carried 7-0.**
- [23-0330](#) 50. **On** request from WC MRP Des Moines Center, LLC (Natin Paul, Officer) for review and approval of a first amendment to the Southdale PUD Conceptual Plan at 4900 SE 14th Street to allow expansion of a retail use (Home Depot) to include additional outdoor display and merchandising in the parking lot. **Moved by Gatto to continue to the March 27, 2023 Council meeting. Second by Voss. Motion Carried 7-0.**
- [23-0331](#) 51. **On** request from Hubbell Realty Company (Caleb Smith, Officer) for review and approval of a first amendment to the Gray’s Station PUD Conceptual Plan for property located in the vicinity of 1300 Tuttle Street to update the realignment of SW 13th Street and to revise review requirements for future PUD Development site plans and to continue to March 27, 2023 at the request of the Developer. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**
- [23-0332](#) 52. **On** requests from Hubbell Realty Company (Caleb Smith, Officer) for review and approval of PUD final development plan for “Grays Station Telus Condos” for property located in the vicinity of 1300 Tuttle Street to allow development of the property with the construction of two condo buildings containing 84 residential units and to continue to March 27, 2023 at the request of the Developer. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**
- [23-0333](#) 53. **On** request from Hubbell Realty Company (Caleb Smith, Officer) for review and approval of the PUD final development plan for “Gray’s Station Plat 5 Townhomes and Clubhouse” for property located in the vicinity of 1300 Tuttle Street to allow for construction of 65 townhomes and a clubhouse amenity building and to continue to March 27, 2023 at the request of the Developer. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**

54. **On** request from Gassmann Real Estate, LLC (Jason Gassmann, Officer) regarding an appeal of the denial of Type 2 Design Alternatives to the site plan necessary for construction of a 10-foot-tall, electrified security fence on property located at 2822 6th Avenue. **Moved by Westergaard to approve the proposed Type 2 Design Alternatives in form requested by Gassmann Real Estate, LLC and described above, and to make the following findings of fact in support of approval of the proposed Type 2 Design Alternatives:**
- a. **Municipal Code Section 135-7.11.3(B)(2) requires a fence in a street-side yard is restricted to a maximum of six (6) feet of height, but the Design Code allows for applicants to seek a Type 2 Design Alternative.**
 - b. **Municipal Code Section 135-7.11.4(B) states no fence shall be electrified, unless all of the following requirements are met, but the Design Code allows for applicants to seek a Type 2 Design Alternative:**
 - i. **The fence is electrified by a device approved by a nationally recognized testing laboratory as meeting the standard for safety of electric fence controllers, and bears a certificate stated as such.**
 - ii. **The fence is used in accordance with the manufacturer’s suggested installation instructions.**
 - iii. **The fence is used to confine agricultural animals lawfully kept in compliance with the requirements of chapter 18 of this code.**
 - c. **2822 6th Avenue contains a general commercial building that is used for office and warehousing for a heating and cooling contractor use.**
 - d. **Gassmann Real Estate, LLC provides the reason for the electrified security fence is to prevent trespassing and theft. Additional security/safety needs have been the supporting basis for proposing the electric fence.**
 - e. **The proposed security fence will be placed 1 foot behind the existing 8-foot-tall chain link fence and proper signage will be placed along the exterior to warn of the existence of the electric fence.**
 - f. **The site is on the west side of 6th Avenue between New York Avenue to the south and Corning Avenue to the north. This area contains a mix of single and multi-story commercial, office, and warehouse buildings. The construction of a 10-foot electric fence would not impact the character of this area and would not impact the aesthetic of the existing commercial area.**
 - g. **The above-stated facts specific to the Property reduce the aesthetic and safety concerns to the public with no existing changes to the existing 8-foot galvanized fence and providing adequate safety signage and measures to make the public aware of the existence of an electric fence.**
 - h. **Gassmann Real Estate, LLC’s proposal for the Type 2 Design Alternatives to the requirements of Section 135-7.11.3(B)(2) and 135-7.11.4(B) are for full waiver, resulting in the construction of a 10 foot electric fence behind an existing 8 foot galvanized chain link fence, based on preference to security and safety needs.**
 - i. **Gassmann Real Estate, LLC has met the burden required to demonstrate that the requested design alternative meets the criteria for approval and that the result of the design alternatives would equal or exceed the result of strict compliance with Section 135-7.11.3(B)(2) and 135-7.11.4(B) of the Planning and Design Ordinance.**

- j. **Gassmann Real Estate, LLC has shown that the requested design alternative is consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.**
- k. **Gassmann Real Estate, LLC has shown that the requested design alternative will not have a substantial or undue adverse effect on the public health, safety, and general welfare.**
- l. **Said Type 2 Design Alternatives, in form requested by Gassmann Real Estate, LLC, should be, and hereby, approved for the above-stated reasons and incorporated into the approved Site Plan for the Property.
Second by Gatto. Motion Carried 6-1. Nays: Sheumaker. Motion by Gatto to receive and file two documents. Second by Sheumaker. Motion Carried 7-0.**

[23-0335](#) 55. **On the proposed Urban Renewal Plan for the Airport Development Urban Renewal Area. (Council Communication No. 23-122) Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**

[23-0336](#) (A) **Resolution of necessity. Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**

[23-0337](#) 56. **On the proposed Urban Renewal Plan for the Upper East Village Urban Renewal Area and to continue the hearing to March 27, 2023. (Council Communication No. 23-123) Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**

[23-0338](#) (A) **Setting date of hearing on a proposed amendment to the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Public/Semi-Public to Downtown Mixed Use for the area bound by Pennsylvania Avenue on the west, Des Moines Street on the south, E. 9th Street on the east, and the freeway (I-235) on the north, (3-27-23). Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**

[23-0339](#) 57. **On 2023 HMA Resurfacing Program Contract 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Grimes Asphalt and Paving Corporation (Timothy Mallicoat, President), \$955,593.95. (Council Communication No. 23-109) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[23-0340](#) (A) **Approval of contract and bond and permission to sublet. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [23-0341](#) 58. **On** 2023 Neighborhood Sidewalk Program Contract 1: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as TK Concrete, Inc. (Tony J. Ver Meer, President), \$704,530. ([Council Communication No. 23-106](#)) **Moved by Gatto to adopt. Second by Mandelbaum. Motion Carried 7-0.**
- [23-0342](#) (A) **Approval** of contract and bond and permission to sublet. **Moved by Gatto to adopt. Second by Mandelbaum. Motion Carried 7-0.**
- [23-0343](#) 59. **On** 3rd & Court Parking Garage Elevator Replacement: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as TK Elevator Corporation (Kevin Lavallo, President), \$437,000. ([Council Communication No. 23-111](#)) **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**
- [23-0344](#) (A) **Approval** of contract and bond and permission to sublet. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**
- [23-0345](#) 60. **On** Easter Lake Drive Sidewalk from Indianola Avenue to Easter Lake Park: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as TK Concrete, Inc. (Tony J. Ver Meer, President), \$1,931,910.75. ([Council Communication No. 23-112](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0346](#) (A) **Approval** of contract and bond and permission to sublet. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0347](#) 61. **On** Guthrie Avenue Trail from E. 21st Street to Hubbell Avenue: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as TK Concrete, Inc. (Tony J. Ver Meer, President), \$1,251,035. ([Council Communication No. 23-107](#)) **Moved by Westergaard to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0348](#) (A) **Approval** of contract and bond and permission to sublet. **Moved by Westergaard to adopt. Second by Voss. Motion Carried 7-0.**

[23-0349](#) 62. **On** Woodland Cemetery Roadway Improvements: 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, PC d/b/a Kingston Services, PC (Umesh G Shetye, President), \$709,181. ([Council Communication No. 23-110](#)) **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**

[23-0350](#) (A) **Approval** of contract and bond and permission to sublet. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**

****END HEARINGS AT 5:45 P.M.****

ORDINANCES – SECOND CONSIDERATION

[23-0351](#) 63. **Rezone** 4415 Hubbell Avenue from “MX3” Mixed Use District to Limited “CX” Mixed Use District to allow use of the property for auto body painting. **Moved by Westergaard that this ordinance be considered and given second vote for passage. Second by Sheumaker. Motion Carried 7-0.**

[23-0352](#) (A) Final consideration of ordinance above (waiver requested by Larry D. Sprague, Jr.), 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, #16,226. Second by Sheumaker. Motion Carried 7-0.**

ORDINANCES – FIRST CONSIDERATION

[23-0353](#) 64. **Amending** Sections 134-3.6.3, 134-3.9.6 and Section 135-8.2.2 relating to outdoor storage. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 7-0.**

[23-0354](#) (A) 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, #16,227. Second by Gatto. Motion Carried 7-0.**

APPROVING II

- [23-0355](#) 65. Voluntary agreement on wages with AFSCME Council 61 Local 3673 for fiscal year FY2024. ([Council Communication No. 23-104](#)) **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 7-0.**
- [23-0356](#) 66. Agreement with Municipal Employees Association (MEA) for the period July 1, 2023 through June 30, 2026. ([Council Communication No. 23-105](#)) **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [23-0357](#) 67. Requests to speak as follows: **Moved by Gatto to receive and file. Second by Sheumaker. Motion Carried 7-0. Motion by Gatto to receive and file document from Harvey Harrison. Second by Sheumaker. Motion Carried 7-0.**
- (A) Chris Robinson
 - (B) Harvey Harrison
 - (C) Jean O'Donnell
 - (D) Veola Perry
 - (E) Jolene Prescott
 - (F) Tom Rendon
 - (G) Adam Callanan
 - (H) Lori Ann Young

- [23-0358](#) MOTION TO ADJOURN. **Moved by Gatto to adjourn at 6:04 P.M. Second by Cownie. Motion Carried 7-0.**

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