



**\*\*\* 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**

**April 10, 2023**  
**5:00 P.M.**

**PROCLAMATION – 4:55 P.M.**

**No Mow May**

- [23-0464](#) 1. ROLL CALL: **Present: Cownie, Boesen, Gatto, Mandelbaum, Voss and Westergaard. Absent: Sheumaker.**
- [23-0465](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0466](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 54: **Moved by Gatto to adopt to balance of the Consent Agenda. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

**\*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

[23-0467](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

### NEW APPLICATION

- (A) DM BIERGARTEN                      2251 GEORGE FLAGG                      Special Class C

### RENEWAL APPLICATIONS

- (B) ALPINE TAP ROOM                      2720 INGERSOLL AVE                      Class C Liquor  
(C) CAPITAL CITY MOOSE                      2515 WEDGEWOOD RD                      Class F Retail  
(D) CASEYS #3953                      3121 FOREST AVE                      Class E Liquor  
(E) CASEYS #4026                      3401 INGERSOLL AVE                      Class B Retail  
(F) DJANGO (BANQUET)                      1430 LOCUST ST                      Class C Liquor  
(G) DOLLAR GENERAL #21816                      604 LOCUST ST #104                      Class B Retail  
(H) EL POLLO CATRACHO                      4100 SE 14TH ST                      Class C Liquor  
(I) GERRIS                      232 E 30TH ST                      Class C Liquor  
(J) GIT N GO STORE #5                      2700 INDIANOLA AVE                      Class B Retail  
(K) GREENWOOD LOUNGE                      3707 INGERSOLL AVE                      Class C Liquor  
(L) HARBINGER                      2724 INGERSOLL AVE                      Class C Liquor  
(M) HELLO MARJORIE                      717 LOCUST ST #A                      Class C Liquor  
(N) LA RANCHERITA                      1106 ARMY POST RD                      Class C Liquor  
(O) TACOS LA FAMILIA                      1610 6TH AVE                      Class C Liquor  
(P) WORLD LIQUOR                      3200 SE 14TH ST                      Class E Liquor

### SPECIAL EVENT APPLICATIONS

- (Q) APRES BAR CO                      120 E 5TH ST                      5 days  
CLASS C LIQUOR LICENSE FOR A WEDDING ON APRIL 29, 2023.
- (R) TOWNSQUARE LIVE                      730 3RD ST                      5 days  
CLASS C LIQUOR LICENSE FOR 2023 DES MOINES ON TAP EVENT ON  
APRIL 29, 2023.

### OUTDOOR SERVICE APPLICATION

- (S) PEGGYS TAVERN                      3020 FOREST AVE  
TEMPORARY FOR DRAKE RELAYS ON APRIL 23 – 30, 2023

[23-0468](#)

- 4I [Consideration](#) of 5-day Special Class C Liquor License (Beer/Wine) for Great Caterers of Iowa for Ronald McDonald House fundraiser on April 20, 2023. Sponsor: Mayor Cownie. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[23-0469](#)

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

## PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- [23-0470](#) (A) [Carlisle](#) Multi-Use Trail Connection: Receiving of bids, (4-18-23) and Setting date of hearing, (5-8-23), Engineer's estimate, \$2,833,501.05. ([Council Communication No. 23-179](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0471](#) (B) [McHenry](#) Park and Sheridan Park Improvements: Receiving of bids, (4-25-23) and Setting date of hearing, (5-8-23), Engineer's estimate, \$270,000. ([Council Communication No. 23-178](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0472](#) (C) [SW](#) 63<sup>rd</sup> Street Resurfacing from Willow Creek Drive to Dead End North: Receiving of bids, (4-25-23) and Setting date of hearing, (5-22-23), Engineer's estimate, \$370,000. ([Council Communication No. 23-183](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0473](#) (D) [North](#) Valley Drive and Grand Avenue Sidewalk and Railroad Crossing Improvements: Receiving of bids, (4-25-23) and Setting date of hearing, (5-8-23), Engineer's estimate, \$365,000. ([Council Communication No. 23-184](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0474](#) (E) [Riverview](#) Restroom Facility: Receiving of bids, (5-9-23) and Setting date of hearing, (5-22-23), Engineer's estimate, \$495,000. ([Council Communication No. 23-186](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0475](#) 7. [Communication](#) from contractors requesting permission to sublet certain items on public improvement project. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

## SPECIAL ASSESSMENTS

- [23-0476](#) 8. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2023-04. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0477](#) 9. [Deletion](#) of NAC – Emergency Assessment at 2070 Lyon Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0478](#) 10. [Deletion](#) of rental inspection assessment at 3108 Martin King Jr Parkway. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- [23-0479](#) 11. [Regarding](#) request from George M. Clayton (owner) for vacation of surface rights-of-way adjoining property in the vicinity of 1601 E. Grand Avenue, to allow the encroachment of an existing staircase within the E. 16th Street right-of-way. **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 Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0480](#) 12. [Regarding](#) request from DUUNTO LLC (Adam Sieren, Officer) for review and approval of a Major Preliminary Plat “Elevate Townhomes” for property located at 508 Indianola Road for development of 11 one-household residential lots. **Moved by Gatto to receive and file. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

## SETTING DATE OF HEARINGS

- [23-0481](#) 13. [On](#) request from Archer-Daniels-Midland Company (Mike Kuntz, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Industrial and Parks and Open Space to Industrial and to rezone the property located in the vicinity of 1935 E. Euclid Avenue from “F” Flood District and “I2” Industrial District to Limited “I2” Industrial District, to allow an addition to an existing structure and other improvements, (4-24-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0482](#) 14. [On](#) request from Noel Fernandez (Owner) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Low-Medium Density Residential and to rezone 2021 Clark Street from “N5” Neighborhood District to Limited “N5-2” Neighborhood District, to allow reuse of the existing structure for a duplex use, (4-24-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0483](#) 15. [On](#) request from Des Moines Community Playhouse (David Kilpatrick, Officer) for review and approval of a 2nd amendment to the Des Moines Community Playhouse PUD Conceptual Plan on the property located at 831 42nd Street to allow the construction of a 2,700-square foot building addition with associated utilities, parking, and drives within the PUD, (4-24-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0484](#) 16. [On](#) request from JW Congregation Support Inc. (Archie Malone, Officer) for review and approval of a 2nd amendment to the Airport Crossroads PUD Conceptual Plan on the property located at 7700 Fleur Drive to allow construction of a Place of Worship with asphalt shingles and composite lap siding building materials which are prohibited within the PUD, (4-24-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0485](#) 17. **On** the proposed Fourteenth Amendment to the Urban Renewal Plan for the SE Agribusiness Urban Renewal Area, (5-22-23). ([Council Communication No. 23-190](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0486](#) 18. **On** the proposed Sixth Amendment to the Urban Renewal Plan for the Southside Economic Development District Urban Renewal Area, (5-22-23). ([Council Communication No. 23-191](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0487](#) 19. **On** the proposed Eleventh Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area, (5-22-23). ([Council Communication No. 23-188](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0488](#) 20. **On** the proposed Fourth Amendment to the Urban Renewal Plan for the Merle Hay Commercial Urban Renewal Area, (5-22-23). ([Council Communication No. 23-189](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0489](#) 21. **On** the proposed Thirty-Second Amendment to the Urban Renewal Plan for the Metro Center Urban Renewal Area, (5-22-23). ([Council Communication No. 23-187](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [23-0490](#) 22. **Approving** payment to Steve and Diane Foley for a property damage claim. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

#### APPROVING

- [23-0491](#) 23. **Subordination** agreement of existing HOME Investment Partnership Program (HOME) Mortgage on 1211 Forest Avenue to Central Bank Construction Loan to Home Opportunities Made Easy (HOME, Inc.). ([Council Communication No. 23-169](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
24. Items related to OpenLoop Health, Inc.: ([Council Communication No. 23-195](#))
- [23-0492](#) (A) **Authorizing** City Manager to negotiate and execute an economic development assistance contract between OpenLoop Health, Inc. and the Iowa Economic Development Authority (IEDA). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0493](#) (B) **Development** Agreement. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0494](#) 25. **First** Amendment to Urban Renewal Development Agreement with OneSpeed DSM, LLC in the Metro Center Urban Renewal Area. ([Council Communication No. 23-196](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0495](#) 26. [Issuance](#) of Certificate of Completion to Tree House Partners, LLC for 2315 Grand Avenue for the historic redevelopment of three buildings. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0496](#) 27. [Round](#) three Neighborhood Commercial Revitalization Program funding, and authorizing execution of agreements with NCR Program round three funding recipients. ([Council Communication No. 23-192](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0497](#) 28. [Grant](#) agreement with William C. Knapp, LC for a sewer improvement project at 2901 E. Euclid Ave. ([Council Communication No. 23-193](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0498](#) 29. [Intergovernmental](#) 28E Agreement between the cities of Des Moines, Alleman, Altoona, Bondurant, Carlisle, Elkhart, Grimes, Indianola, Johnston, Mitchellville, Norwalk, Pleasant Hill, Polk City, West Des Moines, Windsor Heights, and the county of Polk for the partial funding of Homeland Security Services within the metropolitan area. ([Council Communication No. 23-165](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0499](#) 30. [Authorizing](#) City Manager to negotiate and execute a Grant Agreement with Alley Landing Limited Partnership for construction of a new affordable housing project. ([Council Communication No. 23-194](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0500](#) 31. [American](#) Rescue Plan Act (ARPA) Funding Agreement with Bravo Greater Des Moines for general operations. ([Council Communication No. 23-197](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0501](#) 32. [American](#) Rescue Plan Act (ARPA) Funding Agreement with Homes of Oakridge Human Services, Inc. (Oakridge Neighborhood Services) to implement a summer youth employment and career exploration program. ([Council Communication No. 23-198](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0502](#) 33. [American](#) Rescue Plan Act (ARPA) Funding Agreement with Urban Dreams for a summer youth program. ([Council Communication No. 23-200](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0503](#) 34. [American](#) Rescue Plan Act (ARPA) Funding Agreement with Boys & Girls Clubs of Central Iowa, Inc. for a summer youth cleanup program. ([Council Communication No. 23-199](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0504](#) 35. [American](#) Rescue Plan Act (ARPA) funding agreement with Iowa Homeless Youth Center (IHYC) for their behavioral health counseling and therapy program. ([Council Communication No. 23-172](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0505](#) 36. [Receive](#) and file communication from the Beavertdale SSMID Board regarding the levy for the Beavertdale Self-Supported Municipal Improvement District (SSMID). ([Council Communication No. 23-173](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0506](#) 37. [Receive](#) and file communication from the Highland Park SSMID Board regarding the levy for the Highland Park Self-Supported Municipal Improvement District (SSMID). ([Council Communication No. 23-173](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0507](#) 38. [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). ([Council Communication No. 23-173](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0508](#) 39. [Receive](#) and file communication from the Sherman Hill SSMID Board regarding the levy for the Sherman Hill Self-Supported Municipal Improvement District (SSMID). ([Council Communication No. 23-173](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0509](#) 40. [Budget](#) for the Ingersoll-Grand Self-Supported Municipal Improvement District for the fiscal year ending June 30, 2024. ([Council Communication No. 23-173](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0510](#) 41. [Budget](#) for the SW 9<sup>th</sup> Corridor Self-Supported Municipal Improvement District for the fiscal year ending June 30, 2024. ([Council Communication No. 23-173](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0511](#) 42. [Budget](#) for the Downtown Self-Supported Municipal Improvement District for the fiscal year ending June 30, 2024. ([Council Communication No. 23-173](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0512](#) 43. [Submittal](#) of Center Street Park and Ride Facility Annual Budget to Des Moines Area Regional Transit Authority (DART) and authorization of budget expenditures. ([Council Communication No. 23-173](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0513](#) 44. [Reallocation](#) of expenditures authorized for the disbursement of funds provided under the American Rescue Plan Act (ARPA). ([Council Communication No. 23-173](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0514](#) 45. [Fund](#) transfer resolution of the City of Des Moines (FY 2024). ([Council Communication No. 23-173](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0515](#) 46. [Fund](#) transfer resolution of the City of Des Moines (FY 2023). ([Council Communication No. 23-173](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0516](#) 47. [Acceptance](#) of offer of principal forgiveness award in the amount of \$1,000,000 on Sewer Revenue Capital Loan Notes, Series 2022C. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0517](#) 48. [Communication](#) from the Greater Des Moines Partnership on behalf of the Downtown Farmer’s Market requesting approval of placement for up to 60 banners to be displayed on banner poles in downtown Des Moines beginning the first week of May 2023. **Moved by Gatto to receive, file and approve. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
49. Abatement of public nuisance as follows:
- [23-0518](#) (A) [1083](#) 22<sup>nd</sup> Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0519](#) (B) [1940](#) Easton Boulevard. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0520](#) 50. [Purchase](#) from Landscape Structures Inc. (LSI) c/o Outdoor Recreation Products (Steve King, Founder) for playground equipment for McHenry Park per National Cooperative Purchasing Alliance contract, and authorizing negotiation and execution of supplemental agreement with Landscape Structures Inc., \$186,202. ([Council Communication No. 23-167](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0521](#) 51. [Purchase](#) from Kaldenbergs PBS Landscaping and Lawncare (Matt Kaldenberg, President) for mowing, trimming and grass clean-up on nuisance properties for use by the Neighborhood Services Department, \$110,000. (Three (3) compliant bids received.) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0522](#) 52. [Purchase](#) from MacQueen Equipment, Inc. (Dan Gage, President/CEO) for one (1) additional sub-compact mini sweeper per Sourcewell Contract for use by the Public Works and Parks and Recreation Departments, \$161,385. ([Council Communication No. 23-175](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0523](#) 53. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of April 10 and 17, 2023; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of April 10 and 17, 2023; to draw checks for biweekly payroll due April 21, 2023. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**



**ORDINANCES - SECOND CONSIDERATION**

[23-0524](#) 54. **Amending** Chapter 114 of the Municipal Code regarding Parking Restriction – 62nd Street between Boston Avenue and Douglas Avenue. **Moved by Gatto that this ordinance be considered and given second vote for passage. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

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

**HEARINGS (OPEN AT 5:09 P.M.) (ITEMS 55 THRU 66)**

[23-0525](#) 55. **On** conveyance of a portion of vacated 41<sup>st</sup> Street located east of and adjoining 4126 Ingersoll Avenue to Plymouth Congregational Church Foundation, \$90,890. (**Council Communication No. 23-181**) **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0526](#) 56. **On** conveyance of a portion of vacated alley right-of-way located east of and adjoining 835 41<sup>st</sup> Street to Sarah J. McCurdy. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0527](#) 57. **On** request from Park Indy, LLC (Abbey Gilroy, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential within a Neighborhood Node to Community Mixed Use within a Neighborhood Node and to rezone the property located in the vicinity of 3140 Indianola Avenue from “NM” Neighborhood District to “NX2” Neighborhood Mix District to allow redevelopment of the property with multiple-household residential units. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[23-0528](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[23-0529](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by to 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, #16,231. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[23-0530](#)

58. **On** request from TB Building, LLC (Stephen Roney, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Business Park, and to rezone 1202 Thomas Beck Road from “NX1” Neighborhood District to “EX” Industrial Use District to allow multiple uses, including a religious assembly, fabrication and production, and office. **Moved by Gatto to APPROVE the proposed amendment to PlanDSM: Creating Our Tomorrow Plan and APPROVE the proposed rezoning requested by TB Building, LLC and described above, and to make the following findings in support of approval: a. The City Plan and Zoning Commission voted 12-2 to recommend approval of a request from TB Building, LLC (Owner), represented by Stephen Roney (Officer), to rezone the Property from “NX1” Neighborhood District to “EX” Industrial District to allow multiple uses, including a religious assembly, fabrication and production, and office. b. The City Plan and Zoning Commission voted 12-2 to recommend approval of the amendment of the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Business Park. c. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Low Density Residential to Business Park is hereby approved. d. The proposed rezoning of the Property, as legally described above, from “NX1” Neighborhood District to “EX” Industrial District to allow multiple uses, including a religious assembly, fabrication and production, and office, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein. Second by Voss. Motion Carried 5-1-1. Nays: Mandelbaum. Absent: Sheumaker. Motion by Mandelbaum to deny failed 3-3. Nays: Gatto, Westergaard and Voss.**

(A) Approve.

[23-0531](#)

1. **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 5-1-1. Nays: Mandelbaum. Absent: Sheumaker.**

WITHDRAWN

[23-0532](#)

2. ~~**Final** consideration of ordinance above (waiver requested by the applicant), requires six votes.~~

[23-0533](#)

59. **On** request from Chasing Waterfalls, LLC (Christopher Thompson, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for Business Park to Industrial and to rezone the two (2) lots located on the west half of the property at 2215 Sunset Road from “EX” Mixed Use District to Limited “I1” Industrial District to allow outdoor storage for a landscaping business. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0534](#)

- (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 6-1. Absent: Sheumaker.**

- [23-0535](#) (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, #16,232. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0536](#) 60. **On** request from WC MRP Des Moines Center, LLC (Natin Paul, Officer) for review and approval of a 1st 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, continued from the March 27, 2023 Council meeting. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0537](#) 61. **On** approval of a License Agreement with the Des Moines Area Regional Transit Authority (DART) for bus benches in street right-of-way. ([Council Communication No. 23-180](#)) **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0538](#) 62. **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. ([Council Communication No. 23-170](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0539](#) 63. **On** consideration of the recommended Capital Improvement Program (CIP) for fiscal years 2023-24 through 2026-27. ([Council Communication No. 23-173](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0540](#) 64. **On** amendment to the annual budget for current fiscal year ending June 30, 2023. ([Council Communication No. 23-173](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0541](#) 65. **On** proposed budget for the fiscal year ending June 30, 2024. ([Council Communication No. 23-173](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker. Motion by Gatto to receive and file document from Harvey Harrison. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0542](#) 66. **On** 2023 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as B.T. Construction, LLC (Barret Tucker, Owner), \$356,975. ([Council Communication No. 23-182](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0543](#) (A) **Approval** of contract and bond and permission to sublet. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

**APPROVING**

- [23-0544](#) 67. [Donation](#) Agreement with Des Moines Parks and Recreation Foundation for Evelyn K. Davis Park Basketball Court Improvements project. ([Council Communication No. 23-166](#)) **Moved by Boesen to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

**ORDINANCES - FIRST CONSIDERATION**

- [23-0545](#) 68. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: ([Council Communication No. 23-185](#)) **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

- (A) Parking Modification – 12th Street between Keosauqua Way and Crocker Street.
- (B) Corner Clearance Parking Restrictions.
  - (1) 11th Street and Garden Avenue.
  - (2) Fleming Avenue and Lower Beaver Road.
- (C) Parking Modification – the North Side of Grand Avenue between 17th Street and 18th Street.
- (D) 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, #16,233. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**

[23-0546](#)

- [23-0547](#) 69. [Amending](#) Chapter 90 of the Municipal Code regarding Housing Services Board members. ([Council Communication No. 23-171](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0548](#)

- (A) 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, #16,234. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0549](#)

70. [Amending](#) Chapter 94 of the Municipal Code relating to public improvement bids pursuant to Iowa Code Chapter 26 and amending Chapter 2 of the Municipal Code relating to an exception for Iowa Code Chapter 26A from the definition of services. ([Council Communication No. 23-177](#)) **Moved by Voss that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0550](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Engineering Department), 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, #[16,235](#). Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0551](#)

- (B) [Authorizing](#) issuance of a Notice of Intent to Enter into a Guaranteed Maximum Price Contract Pursuant to Iowa Code Chapter 26A for the Des Moines Fire Station No. 4 Replacement and authorization for staff to proceed pursuant to Iowa Code Chapter 26A. ([Council Communication No. 23-176](#)) **Moved by Voss to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

## COMMUNICATIONS/REPORTS

[23-0552](#)

71. [Requests](#) to speak as follows: **Moved by Gatto to receive and file. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- (A) Carolyn Uhlenhake Walker  
(B) Thomas Rosburg

[23-0553](#)

MOTION TO ADJOURN. **Moved by Voss to adjourn at 7:06 P.M. Second by Westergaard. Motion Carried 6-1. Absent: Sheumaker.**

*The City of Des Moines is pleased to provide accommodations to disabled individuals or groups and encourages participation in City government. To better serve you, please notify us at least three business days in advance when possible at 515-283-4209, should special accommodations be required. Assistive Listening Devices are available for meetings in the City Council Chambers.*

View City Council agendas online at [DSM.city](http://DSM.city)



All-America City  
1949 1976 1981 2003 2010 2017