

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

May 8, 2023
5:00 PM

PROCLAMATION – 4:45 PM

AAPI Heritage Month

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 36:

***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

4. [Approving](#) Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A) CASEYS #3977	600 E 14TH ST	Class B Retail
(B) CHAIN & SPOKE	515 28TH ST #102	Special Class C
(C) DSM FOOD MART	2829 EASTON BLVD	Class B Retail
(D) VOWS DSM	111 E GRAND AVE #109	Class C Liquor

RENEWAL APPLICATIONS

(E) AMERICANA	1312 LOCUST ST #102	Class C Liquor
(F) CHICKEN SHACK	1501 E EUCLID AVE	Special Class C
(G) CVS PHARMACY #10329	2303 MERLE HAY RD	Class E Liquor
(H) FAIRFIELD INN & SUITES	207 CROCKER ST	Class C Liquor
(I) H & A MINI MART	145 UNIVERSITY AVE	Class E Liquor
(J) HOYT SHERMAN PLACE	1501 WOODLAND AVE	Class C Liquor
(K) HY VEE MARKET #5	1107 E ARMY POST RD	Class C Liquor
(L) KUM & GO #7701	319 7TH ST #101	Class E Liquor
(M) LA TAPATIA 4	1606 6TH AVE	Class B Retail

(N)	LOUIES WINE DIVE	4040 UNIVERSITY AVE	Class C Liquor
(O)	LUCKY HORSE	2331 UNIVERSITY AVE	Class C Liquor
(P)	NOAHS ARK	2400 INGERSOLL AVE	Class C Liquor
(Q)	OLYMPIC FLAME	514 E GRAND AVE	Special Class C
(R)	QUIKTRIP #515	1421 INGERSOLL AVE	Class B Retail
(S)	RITUAL CAFÉ	1301 LOCUST ST #D	Special Class C
(T)	ROCA & SHORTYS	208 COURT AVE	Class C Liquor
(U)	SOUTH SIDE FOOD MART	1101 ARMY POST RD	Class E Liquor
(V)	TWISTED VINE BREWERY	112 SE 4TH ST #100	Class C Liquor
(W)	WATROUS TOBACCO	4001 SW 9TH ST	Class B Retail

SPECIAL EVENT APPLICATIONS

- (X) CHRISTIANIS EVENTS 4025 TONAWANDA DR 5 days
CLASS C LIQUOR LICENSE FOR EVENTS ON MAY 18 AND 20, 2023.
- (Y) IOWA ASIAN ALLIANCE 1203 LOCUST ST (BEER TENT) 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR CELEBRASIAN ON
MAY 26 - 27, 2023.
- (Z) NACHO TEQUILAS 900 E ARMY POST RD 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR AN EVENT ON
MAY 13, 2023.
- (AA) THIRSTY PIGS 901 CHERRY ST 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR AN EVENT ON
MAY 13, 2023.
- (BB) VOELKER/MAHNKE 120 E 5TH ST 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON MAY 27, 2023.
- (CC) WHISKEY RIVER ANKENY 2035 E OVID AVE 5 days
CLASS C LIQUOR LICENSE FOR OFF THE LINE PERFORMANCE
CUSTOMER APPRECIATION PARTY ON MAY 13, 2023.
- (DD) YOUR PRIVATE BAR 220 SW 9TH ST (ROOFTOP) 5 days
CLASS C LIQUOR LICENSE FOR AN EVENT ON MAY 10, 2023.

5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

PUBLIC IMPROVEMENTS

6. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for E University Avenue (IA 163) from E 14th Street (US 69) to Easton Boulevard Four-Lane to Three-Lane Conversion.

[\(Council Communication No. 23-233\)](#)

7. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for SE 36th and E Army Post Road Roundabout.

[\(Council Communication No. 23-232\)](#)

8. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Bolton & Menk, Inc. for design services for Central Place Levee Trail, Phase 1, not to exceed \$25,250.

[\(Council Communication No. 23-226\)](#)

9. Number not used.

10. Approving Private Construction Contracts between the following:

- (A) [The](#) Underground Company, Ltd. and DR Horton – Iowa, LLC for Sanitary Sewer Improvements in The Woods of Copper Creek, Plat 7.

- (B) [The](#) Underground Company, Ltd. and DR Horton – Iowa, LLC for Storm Sewer Improvements in The Woods of Copper Creek, Plat 7.

11. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2023-05.

LAND/PROPERTY TRANSACTIONS

13. [Conditional](#) approval of final subdivision plat and acceptance of cash surety for “Bricktop 36” located in the vicinity of 1328 Thomas Beck Road.

[\(Council Communication No. 23-238\)](#)

14. [Approving](#) one tax abatement application for work completed in 2022 and 56 tax abatement applications for work completed in 2023.

[\(Council Communication No. 23-220\)](#)

15. [Authorization](#) to proceed with acquisition of the necessary property interests for the 41st Street and Beaver Avenue Intersection Improvements Project.

[\(Council Communication No. 23-229\)](#)

16. [Authorization](#) to proceed with acquisition of the necessary property interests for the University Avenue – 39th Street to 48th Street Improvements Project.

[\(Council Communication No. 23-230\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Recommendation](#) from Council Member Voss to appoint Brett Burk to the Des Moines Civil and Human Rights Commission, Seat 3, for a three-year term expiring March 31, 2026.
18. [Recommendation](#) from the Youth Advisory Board at the April 18, 2023 meeting to appoint Hadley Harvey for a term expiring July 31, 2023.
19. [Communication](#) from Alexandra Bomhoff advising of her resignation from the Access Advisory Board, Seat 3, effective immediately.
20. [Communication](#) from Lori Bowman advising of her resignation from the Access Advisory Board, Seat 13, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

21. [Regarding](#) request from Lisa Wertz and Kristopher Wertz (Contract buyers) for vacation of surface right-of-way of approximately 283 lineal feet of undeveloped SW 4th Street right-of-way bounded by Porter Avenue to the north and Diehl Avenue to the south, and to the west of and adjacent to the property at 315 Diehl Avenue.
22. [Recommending](#) City Council initiate a rezoning of an area that is generally located south of Maury Street, East of SE 25th Street, North of E. Railroad Avenue and Vale Street and west of adjoining SE 28th Street.
23. [Regarding](#) request from Greater Des Moines Habitat for Humanity (Ryan Doyle, Officer) for review and approval of a Preliminary Plat “Habitat – E 46th Development” to allow for development of fifteen (15) one-household residential lots on property located at 4320 E. 46th Street.

SETTING DATE OF HEARINGS

24. [On](#) City-initiated request to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park & Industrial to Low Density Residential, Parks and Open Space and Public/Semi-Public, and to rezone properties in an area generally located north of Maury Street, east of SE 25th Street, south of E. Market Street, and west of SE 30th Street, from “EX” Mixed Use District and “I1” Industrial District to “N3c” Neighborhood District, (5-22-23).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. [Approving](#) payment to Stew Hansen's Urbandale Collision Center on behalf of Mark Jones Construction/ADT Solar for an auto damage claim.

CITY MANAGER COMMUNICATIONS

26. [Submitting](#) travel and training requests for T.M. Franklin Cownie, Joe Gatto and Connie Boesen.

[\(Council Communication No. 23-239\)](#)

APPROVING

27. [Amendment](#) to Southridge Conceptual Development Plan to identify and include two new phases of development: AHEPA's 90-unit senior housing development on the former Montgomery Wards location and Native Business Services LLC's purchase of the former Younkers location for a retail/warehousing facility.

[\(Council Communication No. 23-222\)](#)

28. [ARPA](#) funding grant agreement with AHEPA 192-IV Apartments, LP for an affordable senior housing facility at 1111 E. Army Post Road.

[\(Council Communication No. 23-221\)](#)

29. [Ratification](#) of National Park Service Land and Water Conservation Fund Outdoor Recreation Legacy Partnership Grant Application seeking \$5,306,000 for Birdland Park and Marina Master Plan Improvements Phase 1.

[\(Council Communication No. 23-235\)](#)

30. [Grant](#) agreement (On Common Ground: Activating Community Connections Through Parks) with Trust for Public Land (TPL) for \$23,600.

[\(Council Communication No. 23-234\)](#)

31. Number not used.

32. [Request](#) for outdoor special event (Beaverdale Bluegrass Festival) in accordance with "Franklin Junior High School" PUD Conceptual Plan for Property at 4801 Franklin Avenue.

33. [Request](#) for outdoor special event (Beaverdale Farmers Market) in accordance with “Franklin Junior High School” PUD Conceptual Plan for Property at 4801 Franklin Avenue.
34. Abatement of public nuisance as follows:
 - (A) [3416](#) 4th Street.
 - (B) [2004](#) 40th Place.
 - (C) [822](#) 35th Street.
35. [Release](#) of fire escrow at 2301 Forest Avenue.
36. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 8 and 15, 2023; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 8 and 15, 2023; to draw checks for biweekly payroll due May 19, 2023.

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

HEARINGS (OPEN AT 5:00 PM) (ITEMS 37 THRU 45)

37. [On](#) vacation of alley right-of-way in the vicinity of 1601 High Street and conveyance of a Permanent Easement for Building Encroachment – Door Swing to Hoyt, LLC, \$2,045.
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by Ryan Wade, Manager), requires six votes.
38. [On](#) vacation of a portion of Ingersoll Avenue right-of-way adjoining 1910 Ingersoll Avenue and conveyance of a Permanent Easement for Building Encroachment to Community Foundation of Greater Des Moines, \$600.
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by Karla Jones, Community Foundation of Greater Des Moines), requires six votes.
39. [On](#) conveyance of a permanent easement for water main right-of-way in a portion of vacated SE 2nd Street right-of-way adjoining 303 Scott Avenue to City of Des Moines, Iowa, for the use and benefit of the Board of Water Works Trustees.
40. [On](#) conveyance of a permanent underground electric line easement and a temporary electric line easement in portions of Birdland Park to MidAmerican Energy Company for the Birdland Pump Station Replacement Project.

41. On request from Bradley and Belinda McAninch (Owners) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification of the northwestern portion of property located in the vicinity of 4700 SE 14th Street from Low Density Residential within a Community Node to Community Mixed Use within a Community Node and to rezone the property from “MX2-V” and “MX2” Mixed Use District to “CX” Mixed Use District to allow redevelopment of the site for an Auto Body and Auto Sales business.

(A) First consideration of ordinance above.

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

42. On 2023 HMA Resurfacing Program Contract 2: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as InRoads, LLC (Joseph J. Manatt, CEO), \$959,757.40.

(Council Communication No. 23-224)

(A) Approval of contract and bond.

43. On Carlisle Multi-Use Trail Connection: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Howrey Construction, Inc. (Lucas Howrey, President), \$3,903,809.83.

(Council Communication No. 23-227)

(A) Approval of contract and bond.

(B) Naming segments of the Carlisle Trail as the Karras-Kaul Connector Trail.

44. On North Valley Drive and Grand Avenue Sidewalk and Railroad Crossing Improvements: 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), \$580,895.

(Council Communication No. 23-228)

(A) Approval of contract and bond.

45. [On](#) McHenry Park and Sheridan Park Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Alpha Landscapes LLC (Riley Marvin, Owner), \$298,870.

[\(Council Communication No. 23-231\)](#)

- (A) [Approval](#) of contract and bond.

****END HEARINGS AT _____PM****

INFORMAL HEARING

46. [Consideration](#) of a request from Invest DSM to demolish the Highland Apartments building located at 3524 6th Avenue, pursuant to Section 58-70 of the Historic Preservation Ordinance. **(Choose one alternative below)**

[\(Council Communication No. 23-219\)](#)

- (A) Deny.

OR

- (B) Approve.

ORDINANCES – FIRST CONSIDERATION

47. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows:

[\(Council Communication No. 23-223\)](#)

- (A) Parking Modifications and Conversion to Two-Way Traffic – Grand Avenue from 2nd Avenue to 5th Avenue and 5th Avenue from Cherry Street to Grand Avenue.

48. [Amending](#) Section 134-2.2.9 relating to the requirement for future PUD performance bonds.

49. [Amending](#) Municipal Code Section 118 relating to the Equivalent Residential Unit (ERU) rate to be applied to residential and nonresidential properties (Stormwater Utility rate increases).

[\(Council Communication No. 23-236\)](#)

(A) [Final](#) consideration of ordinance above (waiver requested by Nick Schaul, Finance Director), requires six votes.

50. [Amending](#) Municipal Code Section 118 relating to the volume charge for sewer services rate to be applied to residential and nonresidential properties (Sanitary Utility rate increase).

[\(Council Communication No. 23-237\)](#)

(A) [Final](#) consideration of ordinance above (waiver requested by Nick Schaul, Finance Director), requires six votes.

COMMUNICATIONS/REPORTS

51. [Requests](#) to speak as follows:

- (A) Jeff Krugler
- (B) Bridget Botkin
- (C) Tim Waddell
- (D) Tanya Keith
- (E) David Barzen
- (F) Jack C. Porter
- (G) Garland Armstrong

MOTION TO ADJOURN.

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