

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

**March 18, 2024  
5:00 PM**

**I. CLOSED SESSION – 4:00 PM**

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C, of the Iowa Code, to discuss as necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

\* \* \* \* \*

**SPECIAL PRESENTATIONS – 4:50 PM**

Des Moines International Airport Terminal Project Champion

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 39:

**\*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)	BEAVER TAP	4050 URBAN DALE AVE	Class C Liquor
(B)	DAVIS BALL PARK	4980 E 46TH ST	Special Class C
(C)	ISLAS DEL PACIFICO	1434 DES MOINES ST #8	Class C Liquor
(D)	LEO CONVENIENCE	3725 HUBBELL AVE	Class B Retail
(E)	SANDS VOLLEYBALL	6214 GRAND AVE	Class C Liquor
(F)	SODEXO LIVE!	1 LINE DR	Class C Liquor
(G)	STUFFED OLIVE, THE	216 COURT AVE 100	Class C Liquor
(H)	ZAVY KITCHEN	111 E GRAND AVE #101	Class C Liquor

#### RENEWAL APPLICATIONS

(I)	4H BUILDING	3000 E GRAND AVE	Class C Liquor
(J)	BEST TRIP	1516 SE 1ST ST	Class E Liquor
(K)	EATARY/A	2932 INGERSOLL AVE	Class C Liquor
(L)	GIT N GO STORE #10	816 E EUCLID AVE	Class B Retail
(M)	HAWKEYE ELKS LODGE	1401 WALKER ST	Class A Liquor
(N)	HY VEE FOOD STORE #3	3221 SE 14TH ST	Class E Liquor
(O)	HY VEE WINE & SPIRITS	2310 HUBBELL AVE	Class E Liquor
(P)	IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	Class C Liquor
(Q)	KUNG FU TAP & TACO	210 INDIANOLA RD	Class C Liquor
(R)	LDS CORNER	344 E JACKSON AVE	Class C Liquor
(S)	NOAHS ARK	2400 INGERSOLL AVE	Class C Liquor
(T)	NUT POB RESTAURANT	3322 INDIANOLA AVE	Special Class C
(U)	OVATIONS	233 CENTER	Class C Liquor
(V)	PRICE CHOPPER	3425 INGERSOLL AVE	Class E Liquor
(W)	PRICE CHOPPER	1819 BEAVER AVE	Class E Liquor
(X)	QUIK TRIP #527	614 UNIVERSITY AVE	Class B Retail
(Y)	STOP N SHOP	5000 SW 9TH ST	Class B Retail
(Z)	TACOS LA FAMILIA	1610 6TH AVE	Class C Liquor

#### SPECIAL EVENT APPLICATIONS

- (AA) DRAKE UNIVERSITY      2800 UNIVERSITY AVE      5 days  
CLASS C LIQUOR LICENSE FOR PROGRESS BIRTHDAY CELEBRATION ON  
MARCH 23, 2024.
- (BB) SALISBURY HOUSE      4025 TONAWANDA DR      5 days  
CLASS C LIQUOR LICENSE FOR MAD HATTER/FEVER EVENT ON MARCH  
29, 2024.

(CC) TANGERINE FOOD CO      100 LOCUST ST      5 days  
CLASS C LIQUOR LICENSE FOR MAD HATTER/FEVER EVENT ON MARCH  
29, 2024.

(DD) THIRSTY PIGS      313 WALNUT ST      5 days  
CLASS C LIQUOR LICENSE FOR HOPS & HOOPS ON MARCH 21 - 23, 2024.

(EE) YOUR PRIVATE BAR      120 E 5TH ST      5 days  
CLASS C LIQUOR LICENSE FOR OPEN HOUSE ON MARCH 22, 2024.

5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

## **PUBLIC IMPROVEMENTS**

7. Ordering construction of the following:
  - (A) [2024](#) Citywide Pavement Marking Program: Receiving of bids, (4-2-24) and Setting date of hearing, (5-6-24), Engineer's estimate, \$450,000.  

[\(Council Communication No. 24-120\)](#)
  - (B) [2024](#) Citywide PCC Pavement Patching Program: Receiving of bids, (4-2-24) and Setting date of hearing, (5-6-24), Engineer's estimate, \$1,567,000.  

[\(Council Communication No. 24-117\)](#)
  - (C) [Bill](#) Riley Trail Resurfacing from Ashworth Pool to Gray's Lake: Receiving of bids, (4-2-24) and Setting date of hearing, (5-6-24), Engineer's estimate, \$970,000.  

[\(Council Communication No. 24-118\)](#)
- ~~8. [Approving](#) Professional Services Agreement with Kirkham Michael & Associates, Inc. for professional services for Douglas Avenue Improvements — Merle Hay Road to Martin Luther King Jr. Parkway, not to exceed \$703,000.  

[\(Council Communication No. 24-113\)](#)~~
9. [Approving](#) exception to Request for Proposal (RFP) process for good cause and approving Professional Services Agreement with Bolton & Menk, Inc. for design services for 2nd Avenue Improvements from Court Avenue to Interstate 235, not to exceed \$147,778.  

[\(Council Communication No. 24-114\)](#)

10. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Kirkham Michael & Associates, Inc. for additional professional services for Tuttle Street from SW 14th Street to SW 16th Street, not to exceed \$192,000.

[\(Council Communication No. 24-115\)](#)

11. [Approving](#) Private Construction Contract between Estes Construction and Meridian at Gray's Landing LLC for storm sewer improvements in 425 SW 11th Street.
12. [Approving](#) completion and acceptance of private construction contract between Corell Contractor, Inc. and Coppola Enterprises, Inc. for paving, sanitary sewer and storm sewer improvements in The Creek at Echo Valley Plat 1.
13. Accepting completed construction and approving final payment for the following:
  - (A) [Near](#) West Side Sewer Separation Phase 4, Synergy Contracting, LLC.
  - (B) [Animal](#) Control Facility Bid Package No. 1 – Structural Steel and Erection, Jensen Builders Ltd.
  - (C) [Animal](#) Control Facility Bid Package No. 4 – Concrete Building Foundations and Slab on Grade, Jensen Builders Ltd.
  - (D) [Animal](#) Control Facility Bid Package No. 5 – Masonry, Seedorff Masonry, Inc.
  - (E) [Animal](#) Control Facility Bid Package No. 7 – Roofing and Sheetmetal, Academy Roofing & Sheet Metal of the Midwest, Inc. d/b/a Academy Roofing & Sheet Metal Co.
  - (F) [Animal](#) Control Facility Bid Package No. 9 – Drywall, Framing, Acoustic Ceilings and Painting, 1<sup>st</sup> Interiors, Inc.
  - (G) [Animal](#) Control Facility Bid Package No. 12 – Kennels and Cat Cages, Midmark Corporation.
  - (H) [Animal](#) Control Facility Bid Package No. 16 – Site Paving, Jensen Builders Ltd.
  - (I) [Animal](#) Control Facility Bid Package No's 3, 6, 8, 10 and 11 – General Carpentry, Architectural, Millwork, Glazing and Metal Panels, Tile and Fluid Applied Flooring, Woodruff Construction, Inc.

## **SPECIAL ASSESSMENTS**

14. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2024-03.

## **LAND/PROPERTY TRANSACTIONS**

15. [Releasing](#) PUD restoration bond for Southern Horizon Condominiums (Meadowlands PUD) in the vicinity of 7400 Meadowlands Drive.

16. [Approval](#) of four (4) tax abatement applications for work completed in 2023.

[\(Council Communication No. 24-122\)](#)

17. [Authorization](#) to proceed with acquisition of the necessary property interests for the 2026 Neighborhood Sidewalk Program.

[\(Council Communication No. 24-119\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

18. Approving appointments to the Transportation Safety Committee with a term expiring December 31, 2026, as follows:

(A) [From](#) the Iowa Department of Transportation District One, Seat 11, Shelby Ebel.

(B) [From](#) the Polk County Health Department, Seat 12a, Helen Eddy as Primary and Seat 12b, Juan Carlos Cadenillas as Alternate.

## **SETTING DATE OF HEARINGS**

19. [On](#) conveyance of vacated alley right-of-way located south of and adjoining 1319 E. Oak Park Avenue to Jessica Norris, \$25, (4-1-24).

20. Number not used.

21. [On](#) a request from Stamoreno, LLP (Anthonius M. Stam, Officer) for property located at 2505 E. 40th Street to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low Density Residential to Low-Medium Density Residential and to rezone the property from “N3a” Neighborhood District to “N3a-2” Neighborhood District, to allow the development of the property for two-household (duplex) units, (4-1-24).

22. [On](#) a request from Ecosource, LLC (Darren Fife, Officer) to rezone property located in the vicinity of 1001 Raccoon Street from “DXR” Downtown District to Limited “EX” Mixed Use District, to allow the expansion of an existing industrial service, warehousing, and office use with conditions, (4-1-24).
23. [On](#) a request from Hurd Ingersoll, LLC (Richard Hurd, Officer) for multiple parcels located in the vicinity of 3121 Ingersoll Avenue and 3111 Ingersoll Avenue to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Neighborhood Mixed Use and Low Density Residential within a Community Node to Community Mixed Use within a Community Node, and to rezone the northwest portion of the site from “RX1” Mixed Use District to “MX2” Mixed Use District and to rezone the northernmost parcel from “N5” Neighborhood District to “RX1” Mixed Use District, to allow development of a mixed-use (commercial and residential) building, a multiple-household building, and rowhome buildings, (4-1-24).
24. [On](#) a request from Wat Lao Buddhavath of Iowa (Phetsamone Dary, Officer) to rezone property located in the vicinity of 1806 E. Park Avenue, approximately the northernmost 50 feet of the two (2) parcels, from “N3a” Neighborhood District to Limited “P2” Public, Civic, and Institutional District to allow construction of an open-air accessory building for meditation and other uses associated with an “Assembly, Place of Worship” use, (4-1-24).

## **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

25. [Approving](#) payment to Patrick Kelehan for a property damage claim.

## **APPROVING**

26. [Community](#) Development Block Grant (CDBG) award of \$1,000,000 to Ellipsis. Inc. for the rehabilitation of 5525 Meredith Drive into supportive living and qualified residential treatment facilities for foster youth.

[\(Council Communication No. 24-107\)](#)

27. [Release](#) of Community Development Block Grant – Disaster Recovery (CDBG-DR) Liens on Franklin Field Apartments at 5250 Franklin Avenue.

[\(Council Communication No. 24-106\)](#)

28. [Memorandum](#) of Understanding (MOU) to support the Central Iowa Code Consortium (CICC).

[\(Council Communication No. 24-121\)](#)

29. [Parking](#) License Agreement with United States General Services Administration for Third and Court Garage.

30. ~~[Contract](#) with Frontline Warning Systems, Inc. for design, installation and software services for outdoor warning system replacement, not to exceed \$1,622,401.~~

~~[\(Council Communication No. 24-126\)](#)~~

31. [Application](#) for the 2025 Governor's Traffic Safety Bureau (GTSB) Law Enforcement Highway Safety grant, \$246,333.

[\(Council Communication No. 24-103\)](#)

32. [Communication](#) from the Des Moines Downtown Farmer's Market, requesting approval of placement for up to 35 banners to be displayed on banner poles in downtown Des Moines Historic Court District beginning April 1, 2024.

33. Abatement of public nuisances as follows:

- (A) [908](#) E. Ovid Avenue.
- (B) [4236](#) E. Ovid Avenue.
- (C) [913](#) E. 23<sup>rd</sup> Street.
- (D) [712](#) Marion Street.
- (E) [1208](#) E. Watrous Avenue.

34. [Purchase](#) from K M International (Suong Rho, CEO) of one (1) additional asphalt recycler per Sourcewell Contract for use by the Public Works Department, \$101,365.

[\(Council Communication No. 24-110\)](#)

35. [Purchase](#) from Keltek, Inc. (Michelle Jensen, President and CEO) of emergency vehicle equipment per State of Iowa Contracts, NASPO ValuePoint Master Agreement and State of Iowa Participating Addendum for use by the Police Department, \$252,637.16.

[\(Council Communication No. 24-102\)](#)

36. [Purchase](#) from Quality Cut Lawn Care LLC (Steve Darcy, President) of landscape installation for Fleur Drive Medians Phase Three Renovation project for use by the Parks and Recreation Department, \$247,710.95. (Two hundred fifty-two (252) potential bidders, seven (7) received).

[\(Council Communication No. 24-104\)](#)

37. [Receive](#) and file the Comprehensive Annual Financial Report for the City of Des Moines for the year ending June 30, 2023.

[\(Council Communication No. 24-111\)](#)

38. [Authorizing](#) Finance Director to draw checks on registers for the weeks of March 18 and 25, 2024; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 18 and 25, 2024; to draw checks for biweekly payroll due March 22, 2024.

## **ORDINANCES - FINAL CONSIDERATION**

39. [On](#) vacation of a portion of the Masonic Temple Cemetery, located southwest and interior to the intersection of 48th Street and Franklin Avenue.

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

## **HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 40 THRU 46)**

40. [On](#) vacation of a segment of Ingersoll Avenue right-of-way adjoining 2103 Ingersoll Avenue and conveyance of an Easement for Bus Shelter Encroachment on City-owned property to Des Moines Area Regional Transit Authority, \$220.

(A) [First](#) consideration of ordinance above.

41. [On](#) vacation of a segment of Littell Avenue right-of-way located between Fleur Drive and Army Post Road.

(A) [First](#) consideration of ordinance above.

(B) [Final](#) consideration of ordinance above (waiver requested by Sara Arnold, Airport Project Engineer ), requires six votes.

42. [On](#) approval of entering into a Waiver of Distance Separation Easement Agreement with and conveying a Waiver of Distance Separation Easement to the Des Moines Metropolitan Wastewater Reclamation Authority and acknowledgement by Des Moines Area Regional Transit Authority on property located at 3500 Vandalia Road, \$1.



43. On a request from 3800-3804 Ingersoll, LLC and MGS, LLC (Kimberley R. Robertson, Officer) and (Michael Simpson, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low Density Residential to Community Mixed Use and to rezone the property located at 1205 E. 33rd Street and 3304 E. University Avenue from “N3b” Neighborhood District to Limited “CX” Mixed Use District to allow use of the property for warehousing and other commercial uses.

(A) First consideration of ordinance above.

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

44. On a request from Max Z. Steigleder and Tracy D. Steigleder (Owners) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Business Park to Industrial and to rezone property in the vicinity 9500 Southridge Boulevard from “EX” Mixed Use District to “I2” Industrial District to allow the construction of a concrete manufacturing plant with outdoor storage. **(Choose one alternative below) (Requires six votes to approve due to Plan and Zoning Commission denial)**

(A) Deny.

**OR**

(B) Continue to April 1, 2024 Council meeting and direct the City Manager and Legal Department to prepare the necessary legislation to approve.

45. On approval of the 2023 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER).

(Council Communication No. 24-105)

46. On 30th Street Sidewalk from Urbandale Avenue to Euclid Avenue: 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), \$208,879.50.

(Council Communication No. 24-116)

(A) Approval of contract and bond.

\*\*\*\*\*END HEARINGS AT \_\_\_\_\_PM\*\*\*\*\*

## ORDINANCES FIRST CONSIDERATION

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

[\(Council Communication No. 24-112\)](#)

- (A) Parking Modifications – E Park Avenue from SE 21<sup>st</sup> Street to SE 22<sup>nd</sup> Street.
- (B) Parking Modifications – Scott Avenue from SE 10<sup>th</sup> Street to SE 11<sup>th</sup> Street.
- (C) Parking Modifications related to Stanton Ridge Plat 1 Development:
  - (1) SW 23<sup>rd</sup> Street from Stanton Avenue to Emma Avenue.
  - (2) SW 29<sup>th</sup> Street from Stanton Avenue to Emma Avenue.
  - (3) Emma Avenue from SW 23<sup>rd</sup> Street to SW 29<sup>th</sup> Street.
- (D) Parking Restriction – SW 9<sup>th</sup> Street between Bell Avenue and Loomis Avenue.
- (E) Parking Restriction – Scott Avenue between SE 18<sup>th</sup> Street and the cul-de-sac to the west.
- (F) Code Correction – Corning Avenue between 6<sup>th</sup> Avenue and East Dead End.
- (G) Alley Loading Restriction – East/West Alley between E. Grand Avenue, E. Locust Street, E. 4<sup>th</sup> Street and E. 5<sup>th</sup> Street.
- (H) Parking Modification – South side of Locust Street between 4<sup>th</sup> Street and 5<sup>th</sup> Avenue.
- (I) Parking Modification – South side of Grand Avenue between 2<sup>nd</sup> Avenue and 3<sup>rd</sup> Street.
- (J) Corner Clearance Parking Restrictions:
  - (1) 37<sup>th</sup> Street and Kingman Boulevard.
  - (2) Oaklyn Drive and Lower Beaver Road.

48. [Amending](#) Chapter 82 of the Municipal Code relating to the Urban Design Review Board.

[\(Council Communication No. 24-125\)](#)

49. [Amending](#) Chapter 58 of the Municipal Code relating to the elimination of the Landmark Review Board and providing various functions and services under the Historic Preservation Commission and Development Services Department.

[\(Council Communication No. 24-124\)](#)

50. [Amending](#) Chapters 134 and 135 of the Municipal Code relating to expedited Type 2 design alternatives review; value determinations; Type 1 design alternatives; Type 2 design alternatives; and large-scale development requirements.

[\(Council Communication No. 24-123\)](#)

51. [Amending](#) Chapter 42 of the Municipal Code relating to the enforcement of nuisance vegetation management.

[\(Council Communication No. 24-108\)](#)

## COMMUNICATIONS/REPORTS

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

- (A) Aaron Stacy Roberts
- (B) Adam Callanan
- (C) Jean O'Donnell
- (D) David Joiner
- (E) Veola Perry
- (F) Harvey Harrison
- (G) Peggy Fitch
- (H) Carol Maher

MOTION TO ADJOURN.

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