

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

**April 4, 2022  
5:00 P.M.**

**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 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.

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**SPECIAL PRESENTATIONS**

American Public Works Association - Accreditation Plaque to Public Works (4:50 P.M.)

**PROCLAMATIONS**

National Public Safety Telecommunicators Week (4:55 P.M.)

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

3. APPROVING CONSENT AGENDA \* – items 3 through 32:

**\*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) ALLORA	1459 GRAND AVE	Class C Liquor
(B) CASEYS #3953	3121 FOREST AVE	Class E Liquor
(C) CASEYS #4026	3401 INGERSOLL AVE	Class C Beer
(D) CENTERPLATE	1 LINE DR	Class C Liquor
(E) DJANGO BANQUET	1430 LOCUST ST	Class C Liquor
(F) PURA SOCIAL CLUB	660 E 5TH ST	Class C Liquor
(G) WORLD LIQUOR	3200 SE 14TH ST	Class E Liquor

### RENEWAL APPLICATIONS

(H) BEST TRIP	1516 SE 1ST ST	Class E Liquor
(I) BLISS NAILS & BAR	208 4TH ST	Class C Liquor
(J) DES MOINES YACHT	2617 INGERSOLL AVE	Class C Liquor
(K) DOLLAR GENERAL #21816	604 LOCUST ST	Class C Beer
(L) HELLO MARJORIE	717 LOCUST ST #A	Class C Liquor
(M) JOHNNYS ITALIAN	6800 FLEUR DR	Class B Liquor
(N) LEFTYS LIVE MUSIC	2307 UNIVERSITY AVE	Class C Liquor
(O) MANNINGS	2102 INDIANOLA AVE	Class C Liquor
(P) NUT POB	3322 INDIANOLA AVE	Special Class C
(Q) ROYAL FOOD & LIQUOR	1443 2ND AVE	Class E Liquor

### OUTDOOR SERVICE APPLICATIONS

(R) PEGGYS TAVERN	3020 FOREST AVE	Class C Liquor
Temporary in conjunction with the Drake Relays on April 24 – May 1, 2022.		
(S) VETERANS MEMORIAL	833 5TH AVE (PARKING)	Class C Liquor
Temporary for Morgan Wallen concert on April 29, 2022.		

### SPECIAL EVENT APPLICATION

(T) WINEFEST DES MOINES	3000 E GRAND AVE	5 days
Class C Liquor License for an event on April 23, 2022.		

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) [2022](#) City-Wide Traffic Calming Improvements: Receiving of bids, (4-19-22) and Setting date of hearing, (5-9-22), Engineer's estimate, \$475,000.

[\(Council Communication No. 22-148\)](#)

- (B) [2022](#) Riverwalk Improvements – Balustrade Replacement: Receiving of bids, (4-19-22) and Setting date of hearing, (5-23-22), Engineer's estimate, \$205,000.

[\(Council Communication No. 22-154\)](#)

- (C) [City-Wide](#) Pavement Marking Program: Receiving of bids, (4-19-22) and Setting date of hearing, (5-23-22), Engineer's estimate, \$265,000.

[\(Council Communication No. 22-156\)](#)

- (D) [2022-2023](#) HMA Pavement Scarification and Resurfacing: Receiving of bids, (4-19-22) and Setting date of hearing, (5-23-22), Engineer's estimate, \$168,500.

[\(Council Communication No. 22-155\)](#)

- (E) [2022](#) Sidewalk Replacement Program: Receiving of bids, (4-19-22) and Setting date of hearing, (5-23-22), Engineer's estimate, \$250,000.

[\(Council Communication No. 22-153\)](#)

8. [Approving](#) and authorizing the application for a Department of Transportation (DOT) Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant for the Southeast Connector Project between SE 30<sup>th</sup> Street and U.S. 65.

[\(Council Communication No. 22-149\)](#)

9. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement (PSA) with I & S Group, Inc. for Market District Street Reconstruction Project (E. 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 7<sup>th</sup> Streets), not to exceed \$549,901.

[\(Council Communication No. 22-152\)](#)

10. [Authorizing](#) submittal of applications in the third funding cycle of Iowa's Volkswagen Settlement Environmental Mitigation Trust for Zero Emission Vehicle Supply Equipment in April 2022.

[\(Council Communication No. 22-157\)](#)

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

## **SPECIAL ASSESSMENTS**

12. [Levy](#) assessments for costs of Nuisance Abatement-NAC-Emergency Assessment (Neighborhood Services), Schedule No. 2022-02.
13. [Levy](#) assessments for costs of Public Works Sewer Repair at 3612 Ingersoll Avenue, (Schedule No. 2022-01).

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

14. [Recommendation](#) from Council Member Westergaard to appoint Steven Garrison to the Urban Design Review Board, Seat 9, with a term commencing on July 1, 2021, and expiring July 1, 2024.
15. [Approving](#) appointment of Chad Bentzinger as a member of the Des Moines Skywalk Committee.
16. [Approving](#) appointment of Ryan Moffatt as the City Representative to the Mid-Iowa Planning Alliance for Community Development.
17. [Recommendation](#) from Council Member Boesen to reappoint Eleanor Zeff to the Greater Des Moines Sister Cities Commission, Seat 5, for a five-year term commencing April 28, 2021 to expire April 28, 2026.
- 17I. [Recommendation](#) from Council Member Westergaard to appoint Kelly Simmons to the Greater Des Moines Sister Cities Commission, Seat 10, for a five-year term commencing April 28, 2021 to expire April 28, 2026.

## COMMUNICATIONS FROM PLANNING AND ZONING

18. [Regarding](#) request from Salvation Army (Bramwell E. Higgins, Officer) for vacation of a remaining east-to-west alley segment to the west of East 3rd Street in the block between East Court Avenue and East Market Street.
19. Number Not Used.

## SETTING DATE OF HEARINGS

20. [On](#) Operational Agreement with Childtime Childcare, Inc. for the operation and maintenance of the childcare facility located in the intermodal transportation facility located at 610 Center Street, (4-18-22).
21. [On](#) request from John A Getsy, III (Owner) to rezone property located at 1022 Army Post Road from RX Mixed-Use District to MX3 Mixed-Use District, to allow conversion of the existing building to a “Vehicle Maintenance/Repair, Minor” use, (4-18-22).
22. [On](#) request from PPDSM, LLC (Adam Sieren, Officer) to amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Neighborhood Mixed Use, and to rezone the property located at 2404 Westover Boulevard from N3b Neighborhood District to RX1 Mixed-Use District, to allow development of a 5-unit townhome, (4-18-22).
23. [On](#) request from Angel Groff (Owner) to amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Industrial Use, and to rezone property located at 2200 Easton Boulevard from N3a Neighborhood District to I1 Industrial District, to allow use of the property for “Vehicle Maintenance and Repair, Major” use, (4-18-22).
24. [On](#) amendments to Zoning Ordinance, Des Moines Municipal Code Section 134-3.9.2 relating to Accessory Housing Units (AHUs) and permitted zoning districts and regulations, (4-18-22).
  - (A) [Receive](#) and file communication from Plan and Zoning regarding proposed amendment to the Des Moines Municipal Code Table 135-2.22-1 relating to Accessory Housing Units and permitted zoning districts and regulations.

## APPROVING

25. [Issuance](#) of Certificate of Completion to Jannsen Lodging, Inc. for a historic renovation of the Hotel Fort Des Moines at 1000 Walnut Street.
26. Number Not Used.
27. [Donation](#) agreement with the Principal Group Foundation, Inc. regarding Brenton Skating Plaza Free Skating Program.

[\(Council Communication No. 22-151\)](#)

28. [Memorandum](#) of Understanding with National League of Cities Institute – City Inclusive Entrepreneurship Program for \$15,000 in grant funding.

[\(Council Communication No. 22-160\)](#)

29. Abatement of public nuisances as follows:

- (A) [1226](#) E. 37<sup>th</sup> Street.
- (B) [1729](#) Lyon Street.
- (C) [700](#) Kirkwood Avenue.
- (D) [314](#) E. Sheridan Avenue.
- (E) [1509](#) Guthrie Avenue.
- (F) [806](#) Rose Avenue.
- (G) [323](#) E. Jackson Avenue.
- (H) [1659](#) Des Moines Street.

- ~~30. [Procurement](#) of Onan Standby Generator Maintenance Services from Cummins, Inc., per use of State of Iowa Contract 21233A, \$80,000.~~

~~[\(Council Communication No. 22-147\)](#)~~

31. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 4 and 11, 2022; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 4 and 11, 2022; to draw checks for biweekly payroll due April 8, 2022.

**ORDINANCES - FINAL CONSIDERATION**

- 32. Amending Chapter 114 of the Municipal Code regarding Traffic Regulation changes as follows:
  - (A) Code modification to modify parking restrictions on East Douglas Avenue from E 42<sup>nd</sup> Street to NE 56<sup>th</sup> Street due to the East Douglas Avenue Reconstruction Project.

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

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 33 THRU 38)**

- 33. On vacation of portions of E. 41<sup>st</sup> Street, E. 41<sup>st</sup> Ct., E. 40<sup>th</sup> Ct., Four Mile Drive, E. 40<sup>th</sup> St., Hull Avenue and Colfax Avenue right-of-way located in the Lower Fourmile Creek Floodplain and conveyance to Polk County Conservation Board for the Fourmile Creek Greenway Project.
  - (A) First consideration of ordinance above.
  
- 34. On request from Hom Investments 6, LLC (Danny Heggen, Officer) to rezone 740 18th Street from NX2a Neighborhood Mix to Limited MX1 Mixed Use to allow use of the existing building as a restaurant, brewery, and private office space.
  - (A) First consideration of ordinance above.
  - (B) Final consideration of ordinance above (waiver requested by Brandon A. Foldes, HOM Investments 6, LLC), requires six votes.
  
- 35. On request from Holt Sales and Services LLC (Josh Holt, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Community Mixed Use and to rezone the property located in the vicinity of 2500 Dean Avenue from N3c-4 Neighborhood to Limited RX2 Mixed Use to allow a non-accessory surface parking lot.
  - (A) First consideration of ordinance above.
  - (B) Final consideration of ordinance above (waiver requested by Joshua R. Holt, Director of Finance, Holt Sales and Services LLC), requires six votes.
  
- 36. On request from Christian Life Assembly of God (Michael Hunsberger, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low-Medium Density Residential to Public/Semi-Public Use and to rezone 9001 Fleur

Drive from NX2 Neighborhood Mix to P2 Public, Civic and Institutional to allow for new, larger signage.

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Michael Hunsberger, Lead Pastor/Board Chairman, Christian Life Assembly of God), requires six votes.

37. [On](#) City-initiated request for properties generally located to the north of Vandalia Road between Southeast 30th Street to the west and the City's corporate limits to the east, to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park to Industrial, and to rezone the property from EX Mixed Use to I2 Industrial.

- (A) [First](#) consideration of ordinance for identified parcels rezoning to I2.
  - (1) [Final](#) consideration of ordinance above (waiver requested by Louis R. Hockenberg, counsel for Sam's Riverside Incorporated and Alviv Properties, LLC and by Erin Olson-Douglas, Development Director), requires six votes.
- (B) [First](#) consideration of ordinance for identified parcels rezoning to Limited I2.
  - (1) [Final](#) consideration of ordinance above (waiver requested by Louis R. Hockenberg, counsel for Sam's Riverside Incorporated and Alviv Properties, LLC and by Erin Olson-Douglas, Development Director), requires six votes.

38. [On](#) request from The Oaks on Fleur, LLC to amend PlanDSM: Creating Our Tomorrow future land use designation for property located at 3010 Fleur Drive and 3020 Fleur Drive from Low Density Residential to Medium Density Residential to rezone from N3a Neighborhood District to Limited NX1 Neighborhood District to allow development of approximately 15 rowhomes dwelling units (**Continued from March 21, 2022 Council meeting and requires 6/7 vote to approve the rezoning with conditions**).

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Adam Sieren, Owner), requires six votes.

## **ORDINANCES - FIRST CONSIDERATION**

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

[\(Council Communication No. 22-159\)](#)

- (A) Code modifications related to the addition of a pedestrian signal on Keosauqua Way near Crocker Street/Oakridge Drive and on 6<sup>th</sup> Avenue between Crocker Street and School Street near Mercy College.
- (B) Parking modification – Accessible parking space on 18<sup>th</sup> Street between Clark Street and College Avenue.



- (C) Parking modification – Restrict parking on corners of SW 12<sup>th</sup> Street at Bell Avenue.
- (D) Code correction – Parking restriction on Hartford Avenue between SE 5<sup>th</sup> Street and SE 6<sup>th</sup> Street.

40. [Amending](#) Chapter 114-1 and 114-632, relating to trailers and trailers on public streets.

[\(Council Communication No. 22-158\)](#)

## APPROVING

41. [Consideration](#) of request from Rueter Farms, Inc. to demolish the Independent Order of Odd Fellows (IOOF) Hall 576 a/k/a Fairgrounds Hardware building located at 2951 E. Walnut Street pursuant to Section 58-70 of the Historic Preservation Ordinance. **Choose Alternative A or B.**

[\(Council Communication No. 22-161\)](#)

(A) Determine that the application for demolition of the building SHALL be referred to the Landmark Review Board.

or

(B) Determine that the application of the building SHALL NOT be referred to the Landmark Review Board.

## COMMUNICATIONS/REPORTS

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

- (A) Taylor Webber
- (B) Adam Callanan
- (C) James Grimm
- (D) Natalie Harwood
- (E) Harvey Harrison
- (F) Bridget Pedersen
- (G) Laural Clinton
- (H) Jean O'Donnell
- (I) Bradford J. Titus
- (J) Jolene Prescott
- (K) Chris Robinson
- (L) Noah Notch
- ~~(M) Diana Hammel~~

MOTION TO ADJOURN.

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