

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

August 8, 2022
5:00 P.M.

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 50:

***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) BAR NICO	428 E LOCUST ST	Class C Liquor
(B) BARREL HOUSE	401 E COURT AVE #300	Class C Liquor
(C) COCOS BAR	1833 HUBBELL AVE	Class C Liquor
(D) DRAKE UNIVERSITY	2615 CARPENTER AVE	Special Class C
(E) HOME TOUCH KITCHEN	1552 E GRAND AVE #D	Special Class C
(F) W-TAO SUSHI	400 WALNUT ST #101	Class C Liquor

RENEWAL APPLICATIONS

(G) AJS ON EAST COURT	419 E COURT AVE	Class C Liquor
(H) BEECHWOOD LOUNGE	416 E WALNUT ST	Class C Liquor
(I) BLUE SUSHI SAKE GRILL	316 COURT AVE	Class C Liquor
(J) BUDDYS CORRAL	418 E 5TH ST	Class C Liquor
(K) CHAMLING FOOD/LIQUOR	200 ARMY POST RD #20	Class C Beer
(L) DRAKE UNIVERSITY	2601 FOREST AVE	Special Class C
(M) DSM CONCESSIONS	5800 FLEUR DR	Class C Liquor
(N) EAST SIDE EDDIES	3517 E 26TH ST	Class C Liquor
(O) EL PALOMINO	3116 E 14TH ST	Class C Beer

8. [Granting](#) a variance of Floodplain Development Code Section 50-34 (14) for development in a floodway that results in an increase of base flood elevation for Des Moines Levee Alterations – Phase C.

[\(Council Communication No. 22-373\)](#)

9. [Approving](#) the Fiscal Year 2024 Traffic Safety Improvement Program (TSIP) application to the Iowa Department of Transportation (IDOT) for the SE 36th Street and E. Army Post Road Roundabout Project.

[\(Council Communication No. 22-369\)](#)

10. [Approving](#) the Fiscal Year 2024 Traffic Safety Improvement Program (TSIP) application to the Iowa Department of Transportation (IDOT) for the E. University Avenue (IA 163) from E. 14th Street (US 69) to Easton Boulevard Four-Lane to Three-Lane Conversion Project.

[\(Council Communication No. 22-367\)](#)

11. [Approving](#) Professional Services Agreement with HR Green, Inc. for 63rd Street Trail – McKinley Avenue to Raccoon River Bridge, not to exceed \$109,000.

[\(Council Communication No. 22-360\)](#)

12. [Approving](#) Professional Services Agreement with Bolton & Menk, Inc. for University Avenue Rehabilitation – 4908 University Avenue to 39th Street, not to exceed \$79,520.

[\(Council Communication No. 22-371\)](#)

13. [Approving](#) Professional Services Agreement with Bolton & Menk, Inc. for the Central Place Levee Trail Phase 1, not to exceed \$126,027.

[\(Council Communication No. 22-363\)](#)

14. [Approving](#) Change Order No. 1 with Jasper Construction Services, Inc. for additional work on 2nd Avenue Bridge over Des Moines River Rehabilitation and 2nd Avenue Bridge over Birdland Drive Replacement, \$156,341.16.

[\(Council Communication No. 22-359\)](#)

15. [Approving](#) Change Order No. 2 with Absolute Concrete Construction, Inc. for additional work on Indianola Avenue Reconstruction – E. Army Post Road to US Highway 69, \$386,500.

[\(Council Communication No. 22-370\)](#)

16. [Approving](#) Change Order No. 5 with RW Excavating Solutions, LC for additional work on Hamilton Drain Storm Water Improvements Phase 2, \$239,760.

[\(Council Communication No. 22-372\)](#)

17. Approving Private Construction Contracts between the following for Grover Woods Plat 3:
 - (A) [McAninch](#) Corporation and HRC Grover Woods, LLC for Storm Sewer Improvements.
 - (B) [McAninch](#) Corporation and HRC Grover Woods, LLC for Sanitary Sewer Improvements.
18. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
19. Accepting completed construction and approving final payment for the following:
 - (A) [Locust](#) Street Bridge over the Des Moines River – Cramer and Associates, Inc.
 - (B) [2022](#) Skywalk Bridge Structural Repair Program – GTG Construction, LLC.

SPECIAL ASSESSMENTS

20. [Levyng](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2022-07.

LAND/PROPERTY TRANSACTIONS

21. [Acceptance](#) and approval of Amended Storm Water Management Facilities Maintenance Covenant and Permanent Easement Agreement for The Woods of Copper Creek Plat 5.
22. [Authorization](#) to proceed with acquisition of the necessary property interests for the 16th Street Area Reconstruction and Trail Connection Project.

[\(Council Communication No. 22-361\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

23. [Recommendation](#) from Council Member Westergaard to appoint Alexander Cutchey to the Greater Des Moines Sister Cities Commission, Seat 11, with a term commencing on April 28, 2021, and expiring April 28, 2026.
24. [Approving](#) appointment of Steven J. Garrison as a member of the Des Moines Skywalk Committee.
25. [Communication](#) from Stacey Hanley advising of her resignation from the Urban Design Review Board, Seat 6, effective immediately.
26. [Receive](#) and file letter of support for Parks and Recreation seasonal staff recruitment efforts from the Parks and Recreation Board.

COMMUNICATIONS FROM PLANNING AND ZONING

27. [Regarding](#) request from JSB Fiontair, LLC (David Brick, Officer) for vacation of the westernmost 381 lineal feet of the east-west right-of-way of E. Jefferson Avenue located to the west of Dixon Street.
28. [Regarding](#) request from PPDSM, LLC (Adam Sieren, Officer) and BOS Investments, LLC (Jim Sinclair, Officer) for review and approval of a Preliminary Plat “West Edge Rowhomes Plat 1” for subdivision of 2.12 acres of property in the vicinity of 6501 Hickman Road and 2404 Westover Boulevard into 32 lots and one (1) outlot, for a townhome development.
29. [Regarding](#) request from TB, LLC (Nick Jensen, Officer) for review and approval of a Preliminary Plat “Bricktop 36 Preliminary Plat” for subdivision of 7.82 acres of property in the vicinity of 1328 Thomas Beck Road into 36 lots and one (1) outlot, for a townhome development.

SETTING DATE OF HEARINGS

30. [On](#) vacation of north-south alley right-of-way located east of and adjoining 413 Euclid Avenue and conveyance to Euclid Foresight, LLC, \$800. (8-22-22).
31. [On](#) vacation of a segment of SE 3rd Street and E. Market Street right-of-way and to correct the vacation of portions of street and alley right-of-way, all located north of E. Martin Luther King, Jr. Parkway and west of SE 6th Street as part of the Market District Redevelopment Project, (8-22-22).
32. [On](#) conveyance of excess City-owned property located west of and adjoining 1626 Dixon Street to Liberty Holdings, Inc, \$25,875, (8-22-22).

33. [On](#) request from Drake Neighborhood Association (Lori Calhoun, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Medium Density Residential to Park/Open Space, and to rezone the property located in the vicinity of 2400 block of Cottage Grove Avenue to “P1” Public, Civic, and Institutional District, to allow development of the open space with a garden, swing, and neighborhood entrance sign, (8-22-22).
34. [On](#) request from Roll-Offs of Des Moines, Inc. (Anthony & Gregory S. Holt, Owners) to rezone the property in the vicinity of 20 E. 18th Street, from “I2” Industrial District to Limited “I2” Industrial District, to allow a Junk or Salvage Yard Use, (8-22-22).
35. [On](#) request from Mercy Hospital Medical Center (Diane Cummings, Officer) for review and approval of an 8th amendment to the Mercy Hospital Center PUD Conceptual Plan located at 1111 6th Avenue, to allow modifications to the western parking ramp area, (8-22-22).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

36. [Approving](#) payment to SW 9th St. Properties, LLC for a property damage claim.
37. [Approving](#) payment to Progressive Northern Insurance Company on behalf of its insured, Dale Roshek, for an auto damage claim.

APPROVING

38. [Preliminary](#) terms of an Urban Renewal Development Agreement with Union at River’s Edge, LP (The Annex Group), for the new construction of a 216-unit multi-family apartment project at 214 Jackson Avenue.

[\(Council Communication No. 22-357\)](#)

39. [Issuance](#) of Certificate of Completion to 611 Fifth Avenue, LLC for renovation of the existing office building at 611 5th Avenue.
40. [First](#) Amendment to Memorandum of Understanding with Invest DSM, Inc. for supplemental funding for the City’s Neighborhood Block Challenge Grant Program.

[\(Council Communication No. 22-353\)](#)

41. [Extension](#) of professional services agreement with RSM US LLP to provide auditing services for fiscal year FY2021/22.

[\(Council Communication No. 22-352\)](#)

42. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreements for Iowa Volkswagen Settlement Environmental Mitigation Trust Project: 7th and Center and 9th and Locust Parking Garages.

[\(Council Communication No. 22-368\)](#)

43. [Authorizing](#) issuance of \$69,725,000 General Obligation Bonds, Series 2022A, levying a tax for payment, approving the Tax Exemption Certificate and the Continuing Disclosure Certificate.

44. [Authorizing](#) issuance and securing the payment of \$18,660,000 Stormwater Management Utility Revenue Bonds, Series 2022B and providing for a method of payment, approving the Tax Exemption Certificate and the Continuing Disclosure Certificate.

45. [Receive](#) and file Quarterly Treasurer's Report as of June 30, 2022.

46. Abatement of public nuisances as follows:

- (A) [3305](#) 6th Avenue.
- (B) [1017](#) Franklin Avenue.
- (C) [2617](#) SW 9th Street, Apts. 1, 2 and 3.
- (D) [1710](#) Forest Avenue.
- (E) [1102](#) Virginia Avenue.
- (F) [2322](#) E. 37th Court.
- (G) [1619](#) Gillette Street.
- (H) [2508](#) Logan Avenue.
- (I) [3725](#) University Avenue.
- (J) [2315](#) Holcomb Avenue.

47. [Release](#) of fire escrow at 1513 E. 23rd Street.

48. Purchases from the following:

- (A) [CDW](#) Government, LLC (Christine A. Leahy, President and CEO) for computer and accessory equipment per Omnia Partners/City of Mesa, AZ Contract, Minnesota WSCA-NASPO Master Agreement and State of Iowa Contract for use by the Information Technology Department, not to exceed \$200,000 and approving agreements with CDW Government, LLC and HP Inc.

[\(Council Communication No. 22-364\)](#)

- (B) [Galls](#), LLC (R. Michael Andrews, CFO) and Streicher’s Inc. (Jeremy Jenniges, President) for purchase of approximately 120 ballistic personal protective systems per NASPO ValuePoint Agreements and State of Iowa Master Agreements for use by the Police Department, \$120,000.

[\(Council Communication No. 22-366\)](#)

- (C) [Motorola](#) Solutions, Inc. (Greg Brown, CEO) for five (5) additional APX handheld radios, a five (5) year subscription for service and maintenance for existing 385 APX handheld radios and CommandCentral Aware solution per NASPO ValuePoint Master Agreement and State of Iowa Master Agreement for use by the Police Department, \$581,236.25.

[\(Council Communication No. 22-358\)](#)

- 49. [Exception](#) to the procurement ordinance competitive bidding requirements for procurement of eleven (11) Lucas Chest Compression Systems, related accessories and annual ambulance emergency medical services from Stryker Medical Corp. (sole source provider), \$188,712.11.

[\(Council Communication No. 22-365\)](#)

- 50. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 8 and 15, 2022; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 8 and 15, 2022; to draw checks for biweekly payroll due August 12, 2022.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 51 THRU 54)

- 51. [On](#) vacation of City alley right-of-way located north of and adjoining 2513 High Street and conveyance to Robert Fuller, \$75.
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by Robert Fuller), requires six votes.

- 52. [On](#) vacation of excess east-west alley right-of-way located south of E. Railroad Avenue, north of Harriett Street and east of SE 15th Street.
 - (A) [First](#) consideration of ordinance above.
 - (B) Final consideration of ordinance above (waiver requested by City Manager), requires six votes.

53. [On](#) request from R. Michael Knapp 2001 Revocable Trust, Ellyn Patrice Knapp 2001 Revocable Trust, Ellyn P. Knapp Trust, and R Michael Knapp Trust (Owners) for property located in the vicinity of SW 56th Street, SW McKinley Avenue, and SW Watrous Avenue to amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential, Business Park and Development Control Zone to Development Control Zone and Low Density Residential, and to rezone the property from “P2” Public, Civic, and Institutional District, “EX” Mixed Use District, and “N2b” Neighborhood District to Limited “N2b” Neighborhood District, to allow the development of the property for one-household residential uses.

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

54. [On](#) request from 4021 Properties, LLC (Jenny Smith, Officer) for property located at 4019 and 4021 Ingersoll Avenue to amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Medium Density Residential to Community Mixed-Use, and to rezone the property from “NX2” Neighborhood Mix District to “RX2” Mixed-Use District to allow a 2-story building addition for expansion of office use (continued from the July 18th Council Meeting).

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

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

END HEARINGS AT _____ P.M.

INFORMAL HEARING

55. [Authorization](#) to proceed with acquisition of the necessary property interests for the Fire Station 4 Relocation Project.

[\(Council Communication No. 22-362\)](#)

ORDINANCES – FIRST CONSIDERATION

56. [Amending](#) Section 102-964 of the Municipal Code regarding staff notice of street number addressing.

[\(Council Communication No. 22-375\)](#)

57. [Amending](#) the Municipal Code by repealing Article VII of Chapter 26 relating to Steam or Power Operating Equipment and elimination of the Power Engineers Examining Board.

[\(Council Communication No. 22-354\)](#)

58. [Oak](#) Park-Highland Park TIF District No. 4 and repeal Ordinance 16,142.

- (A) [Final](#) consideration of ordinance above (waiver requested by Erin Olson-Douglas, Development Services Director), requires six votes.

APPROVING II

59. [Review](#) of Zoning Board of Adjustment decision granting a variance from separation requirements to allow sales of alcoholic liquor, wine and/or beer by a “restaurant” use in “RX1” Mixed Use District for property at 1828 Hubbell Avenue owned by Javier Plesent. **(Choose one alternative A, B or C)**

[\(Council Communication No. 22-356\)](#)

- (A) The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board’s decision will be deferred for 30 days from the date of this remand.
- (B) The City Council takes no action to review the Decision and Order. The decision of the Board will become final on September 1, 2022.
- (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.

60. [Review](#) of Zoning Board of Adjustment decision granting a variance from separation requirement to allow sales of alcoholic liquor, wine and/or beer by a “restaurant” use in “RX1” Mixed Use District for property at 1951 Indianola Avenue owned by Yuwei Lin. **(Choose one alternative A, B or C)**

[\(Council Communication No. 22-355\)](#)

- (A) The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board’s decision will be deferred for 30 days from the date of this remand.
- (B) The City Council takes no action to review the Decision and Order. The decision of the Board will become final on September 1, 2022.
- (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.

COMMUNICATIONS/REPORTS

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

- (A) Jocelyn Hernandez
- (B) Adam Callanan
- (C) Jean O'Donnell
- (D) Chris Robinson
- (E) Jolene Prescott
- (F) Troy Trevino

MOTION TO ADJOURN.

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