

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

October 3, 2022
5:00 PM

SPECIAL PRESENTATIONS – 4:45 PM

National Gold Medal Award

PROCLAMATIONS

Fire Prevention Week
National Code Compliance Month
National Coming Out Day

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 Applications for the following:

NEW APPLICATIONS

(A) COONEYS TAVERN	3708 BEAVER AVE	Class C Liquor
(B) LUA BREWING	1525 HIGH ST	Class C Liquor
(C) NINAS TACOS	1301 E WATROUS AVE	Class B Beer

RENEWAL APPLICATIONS

(D) 85 BAR	432 E LOCUST ST	Class C Liquor
(E) ANDYS PLACE	5114 SW 9TH ST	Class C Liquor

- (PP) HOUNDSTOOTH & HOOCH LLC 1716 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR AN EVENT ON OCTOBER 5, 2022.
- (QQ) PIERCE LARKIN 120 E 5TH ST 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING RECEPTION ON OCTOBER
22, 2022.
- (RR) VETERANS MEMORIAL CCCU 833 5TH AVE 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR IOWA WILD
PARTY ON OCTOBER 15, 2022.
- (SS) YOUR PRIVATE BAR 4025 TONAWANDA DR 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON OCTOBER 8, 2022.
- (TT) YOUR PRIVATE BAR 504 E LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING RECEPTION ON OCTOBER 8,
2022.

OUTDOOR SERVICE APPLICATIONS

- (UU) BARTENDERS HANDSHAKE 3615 INGERSOLL AVE
PERMANENT.
- (VV) CONFLUENCE BREWING 1235 THOMAS BECK RD
TEMPORARY FOR 10TH ANNIVERSARY CELEBRATION ON OCTOBER 21 –
23, 2022.

TRANSFER TO NEW LOCATION

- (WW) PAVILION 3000 E GRAND AVE #44/50500
TEMPORARY TO THE CATTLE BARN FOR A PRIVATE EVENT ON
OCTOBER 21 – 22, 2022.

- 4I [Approving](#) new 5-day Class C Liquor License for Jr's Southpork Ranch at 3000 E. Grand Avenue.

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

- (A) [Riverview](#) Stage Electrical Improvements: Receiving of bids, (10-25-22) and Setting date of hearing, (11-21-22), Engineer's estimate, \$90,000.

[\(Council Communication No. 22-446\)](#)

- (B) [Easton](#) Boulevard Reconstruction – E. 33rd Street to Fourmile Creek: Receiving of bids, (10-25-22) and Setting date of hearing, (11-21-22), Engineer's estimate, \$1,800,000.

[\(Council Communication No. 22-445\)](#)

- (C) [2023](#) Midblock Pedestrian Signal Improvements: Receiving of bids, (10-25-22) and Setting date of hearing, (11-21-22), Engineer's estimates, \$600,000.

[\(Council Communication No. 22-437\)](#)

6. [Ratification](#) of Iowa Department of Transportation (IDOT) Federal Recreational Trails (FRT) Funding Grant application for \$300,000 for the Central Place Levee Trail Phase II project.

[\(Council Communication No. 22-449\)](#)

7. [Rescission](#) of Roll Call No. 22-0676 and approval of an agreement with the Des Moines Metropolitan Wastewater Reclamation Authority for the Ingersoll Run Outlet, Phase 28, Segment 1 Project.

[\(Council Communication No. 22-463\)](#)

8. [Approving](#) Professional Services Agreement with Bolton & Menk, Inc. for professional services for Western Gateway Water Feature Improvements, not to exceed \$71,000.

[\(Council Communication No. 22-462\)](#)

9. [Approving](#) Change Order No. 1 with OMG Midwest, Inc. dba Des Moines Asphalt & Paving for additional work on 2022 HMA Resurfacing Program Contract 1, \$217,157.37.

[\(Council Communication No. 22-436\)](#)

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

11. Accepting completed construction and approving final payment for the following:
 - (A) [2020](#) Sidewalk Replacement Program, TK Concrete, Inc.
 - (B) [Near](#) West Side Sewer Separation Phase 3, Raccoon Valley Contractors, LLC.
 - (C) [Hamilton](#) Drain Storm Water Improvements Phase 1, S. M. Hentges & Sons Inc.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2022-09.
13. [Deletion](#) of NAC – Emergency Order Assessment at 2718 Dean Avenue.
14. [Deletion](#) of Rental Inspection Assessment at 4028 North Union Street.

LAND/PROPERTY TRANSACTIONS

15. [Authorization](#) to proceed with acquisition of the necessary property interests for the 2023 Neighborhood Sidewalk Program.

[\(Council Communication No. 22-452\)](#)

16. [Authorization](#) to proceed with acquisition of the necessary property interests for the Easter Lake Drive Sidewalk from Indianola Avenue to Easter Lake Project.

[\(Council Communication No. 22-458\)](#)

17. [Authorization](#) to proceed with acquisition of the necessary property interests for the SW 11th Street from West Martin Luther King Jr. Parkway to Dart Way Improvements Project.

[\(Council Communication No. 22-459\)](#)

BOARDS/COMMISSIONS

- 17-I [Recommendation](#) from Mayor Cownie to appoint Katie Gillette to Plan and Zoning Commission, Seat 3, for a five-year term expiring July 1, 2026.

SETTING DATE OF HEARINGS

18. [On](#) vacation of the north-south alley right-of-way located west of and adjoining 1830 Lincoln Avenue and conveyance to Kevin R. Gish, \$100, (10-24-22).
19. [On](#) vacation of portions of Southeast 2nd Street and Southeast 4th Street right-of-way located south of Scott Avenue and adjoining 303 Scott Avenue, (10-24-22).
20. [On](#) conveyance of excess City property locally known as 1321 Vermont Street, 1407 Michigan Street and 16 Forest Avenue by installment contract to 1321 Vermont Street, LLC, \$315,000, (10-24-22).
21. [On](#) request from Hubbell Realty Company (Steve Mosley, Officer) for approximately 35 acres of property located in the vicinity of 4425 East Douglas Avenue 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 the property from “N2b” Neighborhood District to “NX2” Neighborhood Mix District, to allow for the development of townhomes, (10-24-22).
22. [On](#) request from Polk County Conservation (Angela Connolly, Officer) for property located in the vicinity of 1601 Williams Street to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Parks and Open Space, and to rezone the property from “F” Flood District and “N3a” Neighborhood District to Limited “P1” Public, Civic and Institutional District to allow the development of trails and other park amenities, (10-24-22).
23. [On](#) request from Keegan Jarvis (Owner) for property located at 3123 Indianola Avenue to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential Use to Industrial and to rezone the property from “N3a” Neighborhood District to “I2” Industrial District to allow the use of the property for outdoor storage and auto recycling/ junk and/or a salvage yard business. (10-24-22).
24. [On](#) the proposed Second Amendment to the Urban Renewal Plan for the Oak Park-Highland Park Urban Renewal Area, (11-7-22).

[\(Council Communication No. 22-464\)](#)

25. [On](#) the proposed Third Amendment to the Urban Renewal Plan for the 38th and Grand Urban Renewal Area, (11-7-22).

[\(Council Communication No. 22-471\)](#)

- ~~26. [On the proposed Thirty First Amendment to the Urban Renewal Plan for the Metro Center Urban Renewal Area, \(11-7-22\).](#)~~

~~[\(Council Communication No. 22-467\)](#)~~

27. [On](#) the proposed Urban Renewal Plan for the Southeast 14th Street Urban Renewal Area, (11-7-22).

[\(Council Communication No. 22-470\)](#)

28. [On](#) request from the City of Des Moines for a Certificate of Appropriateness pertaining to multiple site improvements within Woodland Cemetery at 2019 Woodland Avenue, (10-24-22).

29. [On](#) Fourth Amendment to Concession Agreement for the Birdland Marina Concession with Less Than Trinity, LLC d/b/a Captain Roy's (10-24-22).

[\(Council Communication No. 22-440\)](#)

30. [On](#) Proposed 2023 Action Plan as part of the 2020-2024 Consolidated Plan for submission to the U.S. Department of Housing and Urban Development (HUD), (11-7-22).

31. [On](#) the Proposition to authorize a lease purchase agreement in the principal amount not to exceed \$186,350 for the purpose of acquiring certain items of equipment consisting of three pieces of equipment, a motor grader, wheel loader snowplow and TTT-Dozer, (10-24-22).

CITY MANAGER COMMUNICATIONS

32. [Submitting](#) travel and training requests for T.M. Franklin Cownie.

[\(Council Communication No. 22-468\)](#)

APPROVING

- ~~33. HOME Investment Partnership Program (HOME) Agreement with Star Lofts, LLC (Cutler Development) for 2701 Ingersoll Avenue, \$350,000.~~

~~[\(Council Communication No. 22-450\)](#)~~

34. [The](#) 2022 Continuum of Care (COC) Program Supplemental Special Unsheltered Notice of Funding Opportunity (NOFO) Grant application to the US Department of Housing and Urban Development (HUD).

[\(Council Communication No. 22-451\)](#)

35. Number not used.

36. Number not used.

37. [Preliminary](#) Terms of an Urban Renewal Development Agreement with Hoyt Investments Incorporated for the construction of a 47-unit apartment building located at 610 16th Street.

[\(Council Communication No. 22-469\)](#)

38. [First](#) Amendment to Agreement for Federal Government Affairs Services Consulting with Cornerstone Government Affairs, Inc.

[\(Council Communication No. 22-444\)](#)

39. [FY](#) 2022 Annual Federal Equitable Sharing Agreement and Certification.

[\(Council Communication No. 22-442\)](#)

40. [Acceptance](#) of the 2022 Edward Byrne Memorial Justice Assistance (JAG) Grant Award, \$175,808.

[\(Council Communication No. 22-455\)](#)

41. [Acceptance](#) of the Violence Against Women Grant Award through Iowa Department of Justice, Office of Attorney General, Crime Victim Assistance Division, \$21,446.

[\(Council Communication No. 22-453\)](#)

42. [Execution](#) of the FY 2023 Governor's Traffic Safety Bureau (GTSB) Grant Award, \$169,000.

[\(Council Communication No. 22-454\)](#)

43. [Agreement](#) with Iowa Homeland Security and Emergency Management Department (IHSEMD) for award of 2022 Cyber Risk Reduction Grant and memorandum of Agreement (MOA) with IHSEMD for IHSEMD to retain such grant funding for use by State of Iowa Office of the Chief Information Office (OCIO).

[\(Council Communication No. 22-447\)](#)

44. [Agreement](#) with Iowa Homeland Security and Emergency Management Department (HSEMD) for award of 2022 OTDR Replacement Grant and Memorandum of Agreement (MOA) with HSEMD for HSEMD to retain such grant funding for use by State of Iowa, Iowa Communications Network (ICN).

[\(Council Communication No. 22-438\)](#)

- 45. [Agreement](#) with U.S. Cellular for providing cellular voice, data and related products using the State of Iowa contract through June 30, 2025 with anticipated annual renewals by the State of Iowa, estimated annual cost \$300,000.

[\(Council Communication No. 22-439\)](#)

- 45-I [Procurement](#) of hazardous tree removal and stump grinding services from Shawnee Mission Tree Service, Inc. dba Arbor Masters (Stephen Corby, Vice President, Special Projects) for use by the Public Works Department, \$192,665. (Eight (8) potential bidders with two (2) received).

- 45-II [Plans](#), specifications, and form of contract documents for Skywalk Roof Repair Services; receive and file bids; and designation of and approving contract with lowest responsive, responsible bidder Academy Roofing & Sheet Meter Co. (Nick Parenza, Vice President) for use by the Engineering Department, \$152,850. (Seventeen (17) potential bidders, one (1) received).

- 46. [Amended](#) Parking Meter Rate and Time Zone 1.

- 47. [City](#) Council meeting schedule for the calendar year 2023.

- 48. [Communication](#) from the Greater Des Moines Partnership on behalf of the Iowa State University – Ivy College of Business, requesting approval of placement for up to 40 banners to be displayed on banner poles in downtown Des Moines beginning the first week of October 2022.

- 49. Abatement of public nuisances as follows:

- (A) [1412](#) Sampson Street.
- (B) [1418](#) E. Vine Street.
- (C) [3713](#) Indianapolis Avenue.
- (D) [1207](#) Bundy Street.
- (E) [210](#) E. Kirkwood Avenue.
- (F) [400](#) E. Jackson Avenue.
- (G) [1108](#) Burnham Avenue.

- 50. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 3, 10 and 17, 2022; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 3, 10 and 17, 2022; to draw checks for biweekly payroll due October 7 and 21, 2022.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 51 THRU 68)

51. [On](#) vacation of E. Jefferson Avenue right-of-way adjoining 1626 Dixon Street, 1730 E. Washington Avenue and 1637 E. 17th Street and conveyance of a portion of said vacated street right-of-way to Liberty Holdings, Inc., \$13,725, **and to continue to the November 7, 2022 Council Meeting.**
52. [On](#) vacation of east-west alley right-of-way located west of 29th Street between Brattleboro Avenue and University Avenue and conveyance to Drake University for \$29,170.
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by Drake University), requires six votes.
53. [On](#) vacation of east-west alley right-of-way located south of and adjoining 915 28th Street and conveyance to None Ya, LLC, \$75.
 - (A) [First](#) consideration of ordinance above.
54. [On](#) vacation of street and alley right-of-way located between SE 14th Street and SE 18th Street, south of E. Court Avenue and north of the Iowa Interstate Railroad, and conveyance to Roll-Offs of Des Moines, Inc., \$161,800.

[\(Council Communication No. 22-460\)](#)

 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by Tony Holt), requires six votes.
55. [On](#) conveyance of a permanent easement for building encroachment in vacated Urbandale Avenue right-of-way located south of and adjoining 4041 Urbandale Avenue to Marigny, LLC for \$2,055.
56. [On](#) conveyance of a Permanent Easement for Sanitary Sewer Facilities and a Temporary Easement for Construction and Construction-Related Activities in City property located north of and adjoining 1 Line Drive to Des Moines Metropolitan Wastewater Reclamation Authority.
57. [On](#) conveyance of easements for underground electric lines in portions of Greenwood Park to MidAmerican Energy Company, \$17,505.
58. [On](#) conveyance of a portion of City-owned property locally known as Geoparcels No. 7924-28-405-004 to Des Moines Independent Community School District.

59. On request from Cole Lopez and Lia Guerra (Owners) for property located at 2800 Brattleboro Avenue to rezone the property from “N5” Neighborhood District to “N5-2” Neighborhood District to allow reuse of the existing structure for a duplex use.

(A) First consideration of ordinance above.

60. On request from 4021 Properties, LLC (Jenny Smith, Officer) for property located at 4019 and 4021 Ingersoll Avenue to rezone the property from “RX2” Mixed Use District to Limited “RX2” Mixed Use District to allow a 2-story building addition for expansion of office use.

(A) First consideration of ordinance above.

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

61. On request from Geneva Shoemaker (Owner) for property located at 4970 SE 24th Court to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Public/Semi-Public, and to rezone the property from “N2b” Neighborhood District to Limited “P2” Public, Civic and Institutional District, to allow the parceling off of two existing cell towers from the residential property.

(A) First consideration of ordinance above.

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

62. On request from 1348 E Euclid Ave, LLC (Owner) for property located in the vicinity of 1331 E. Douglas Avenue 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 from “N3a” Neighborhood District to Limited “RX2” Mixed Use District to allow use of property in common with the property immediately to the south, which would be converted from a motel use to a multiple-household use.

(A) First consideration of ordinance above.

63. On request from Zachary Finch and Cheryl Finch (Owners) for property located at 3125 Kingman Boulevard to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Medium Density Residential, and to rezone the property from “N5-4” Neighborhood District to “NX2” Neighborhood Mix District, to allow use of the property for a multiple-household use with up to 8 dwelling units, where the existing structure has lost its previous non-conforming rights. **(Plan and Zoning Commission recommends DENIAL) (Choose one option below)**

(A) DENY.

OR

(B) Continue the hearing to October 24, 2022 and direct the City Manager and Legal Department to prepare the necessary legislation to APPROVE the proposed PlanDSM Comprehensive Future Land Use Plan amendment from Low Density Residential to Medium Density Residential and APPROVE the proposed rezoning from “N5-4” Neighborhood District to “NX2” Neighborhood Mix District, subject to conditions acceptable to the City and the owner(s).

64. On request from HRC NFS I LLC (Casey Port, Officer) for review and approval of a PUD Final Development Plan “Gray’s Station Linc – Parking Lot Reconfiguration/Site Improvements,” for properties located at 210 SW 11th Street and 310 SW 11th Street, to allow additions to and reconfigurations of the site’s bicycle and motor vehicle parking areas.

65. On the proposition to authorize a lease purchase agreement in the principal amount not to exceed \$50,000 for the purpose of acquiring certain items of equipment consisting of two electric vehicles.

(Council Communication No. 22-443)

66. On Status of Funded Activities (SOFA) under the second round of Community Development Block Grant Funding to prepare, prevent and respond to the Coronavirus (CDBG-CV2) from the U.S. Department of Housing and Urban Development (HUD) as passed through the Iowa Economic Development Authority.

(Council Communication No. 22-456)

67. On Fifth Amendment to Lease Agreement with DBH Iowa, LLC for lease of Principal Park.

(Council Communication No. 22-441)

(A) Approving Lot Tie Covenant for five parcels of Principal Park.

68. [On](#) Principal Park Phase 1 Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as BallTeam LLC (Richard Ball, Managing Member), \$7,995,000.

([Council Communication No. 22-448](#))

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

END HEARINGS AT _____

COUNCIL REQUESTS

- 68-I [Item](#) requested by Council Member to be considered by the full Council for inclusion at the next Council Workshop or other disposition as directed by Council.

APPROVING II

69. [Appointment](#) of Linda Main as Chief Deputy City Clerk.

ORDINANCES SECOND CONSIDERATION

70. [Amending](#) the Municipal Code by enacting Chapter 61 relating to the Vacant Property Registration Ordinance.
- (A) [Final](#) consideration of ordinance above (waiver requested by SuAnn Donovan, Assistant Director, Neighborhood Services), requires six votes.
- (B) [Approving](#) and adopting administrative fees for the Vacant Property Registration Ordinance.

ORDINANCES FIRST CONSIDERATION

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

([Council Communication No. 22-461](#))

- (A) Parking modification - Remove parking on the east side of 6th Avenue between Locust Street and Grand Avenue and between Grand Avenue and High Street.
 - (B) Parking modification - Extend parking restrictions on Chamberlain Avenue at 45th Street.
 - (C) One-way designation - St. Johns Road between 35th Street and 34th Street.
 - (D) Parking modification - Change parking restriction start time from 8:00 a.m. to 7:00 a.m. on SE 7th Street between Indianola Avenue and E. Virginia Avenue.
 - (E) Code correction - Update parking restriction to match field conditions on SE 22nd Street from King Avenue to E. Virginia Avenue.
 - (F) Code correction - Update parking restriction to match field conditions on 41st Street from College Avenue to Germania Drive.
72. [Amending](#) Section 58-55 relating to the Landmark Review Board.
- (A) [Final](#) consideration of ordinance above (waiver requested by Erin Olson Douglas, Development Services Director), requires six votes.
73. [Clarifying](#) language as to the intent of Ordinance No. 16,166 which provides that general property taxes levied and collected each year on a portion of the property, “Oak Park-Highland Park TIF District No. 4”, located within the Oak Park-Highland Park Urban Renewal Area be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the City of Des Moines in connection with the Urban Renewal Project for such portion of the Urban Renewal Area.

COMMUNICATIONS/REPORTS

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

- (A) Harvey Harrison
- (B) RJ Miller
- (C) April Peterson
- (D) Chris Robinson
- (E) Gabbie Ruggiero
- (F) Adam Callanan
- (G) Wanda Price
- (H) Nadine Adele

MOTION TO ADJOURN.

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