

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

October 24, 2022
5:00 PM

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 46:

***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) MARS COFFEE	2318 UNIVERSITY AVE	Special Class C
(B) SPROCKETS PUB	1905 INGERSOLL AVE #106	Class C Liquor

RENEWAL APPLICATIONS

(C) AC HOTEL	401 E GRAND AVE	Class B Liquor
(D) AMERICAN LEGION	1511 SOUTH UNION ST	Class B Beer
(E) BORDENAROS	6108 SW 9TH ST	Class C Liquor
(F) CENTRO RESTAURANT	1011 LOCUST ST (1ST FLOOR)	Class C Liquor
(G) CHEESE SHOP	833 42ND ST #B	Special Class C
(H) COA CANTINA	425 E GRAND AVE	Class C Liquor
(I) CVS PHARMACY #10161	215 EUCLID AVE	Class E Liquor
(J) DAM PUB	2712 BEAVER AVE	Class C Liquor
(K) DES LUX HOTEL	800 LOCUST ST	Class B Liquor
(L) DOLLAR STORE #21054	2309 E 42ND ST	Class C Beer
(M) DONNAS	4424 SE 14TH ST	Class C Liquor

(N)	EL BUEN SABOR LATINO	1130 E 9TH ST #E	Class C Liquor
(O)	EL RINCON CATRACHO 2	910 HULL AVE	Class C Liquor
(P)	FAMILY PANTRY	4538 LOWER BEAVER RD	Class E Liquor
(Q)	FUZZYS TACO SHOP	300 W MLK JR PKWY #120	Class C Liquor
(R)	GIT N GO STORE #33	865 42ND ST	Class C Beer
(S)	GIT N GO STORE #42	806 SE 14TH ST	Class C Beer
(T)	GOLDEN FAMILY	4109 SE 14TH ST	Class C Beer
(U)	HOME2 SUITES	2650 UNIVERSITY AVE	Class B Liquor
(V)	KUM & GO #535	4960 E BROADWAY AVE	Class E Liquor
(W)	OH SUSHI	2815 BEAVER AVE #101	Special Class C
(X)	PARLOR	4041 URBANDALE AVE	Class C Liquor
(Y)	PURVEYOR	505 E GRAND AVE #105	Class C Liquor
(Z)	QUIK TRIP #530	1424 E EUCLID AVE	Class E Liquor
(AA)	QUIK TRIP #559	4021 FLEUR DR	Class E Liquor
(BB)	SURETY HOTEL	206 6TH AVE FLOORS 1 & 2	Class B Liquor
(CC)	TRELLIS CAFE	909 ROBERT D RAY DR	Class C Liquor

SPECIAL EVENT APPLICATIONS

(DD) DES MOINES EMBASSY 100 LOCUST ST 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR AN ANNUAL WINE
TASTING ON NOVEMBER 4, 2022.

(EE) MACHINE SHED 519 PARK ST 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR AN EVENT ON
OCTOBER 29, 2022.

(FF) YOUR PRIVATE BAR 3800 MERLE HAY RD #420 5 days
CLASS C LIQUOR LICENSE FOR A FASHION EVENT ON OCTOBER 30, 2022.

4I [Approving](#) new 5-day Class C Liquor License for Senor Tequila at 120 E 5th Street for Iowa Latino Gala on October 27, 2022.

5. [Approving](#) settlement with Shag's located at 216 Court Avenue, Suite 201 for suspension of its liquor license for 14-days and payment of a \$1,000 penalty.

[\(Council Communication No. 22-495\)](#)

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [McKinley](#) Avenue Reconstruction from South Union Street to SW 9th Street: Receiving of bids, (11-8-22) and Setting date of hearing, (12-12-22), Engineer's estimate, \$5,656,000.

[\(Council Communication No. 22-472\)](#)

- (B) [University](#) Avenue – 39th Street to 25th Street Improvements: Receiving of bids, (11-8-22) and Setting date of hearing, (12-12-22), Engineer's estimate, \$2,810,000

[\(Council Communication No. 22-473\)](#)

- (C) [SE](#) 6th Street Reconstruction from E. Hillside Avenue to E. Edison Avenue: Receiving of bids, (11-8-22) and Setting date of hearing, (12-12-22), Engineer's estimate, \$400,000.

[\(Council Communication No. 22-481\)](#)

- (D) [Evelyn](#) K. Davis Park Basketball Court Improvements: Receiving of bids, (11-8-22) and Setting date of hearing, (12-12-22), Engineer's estimate, \$710,000

[\(Council Communication No. 22-482\)](#)

- (E) [Des](#) Moines Levee Alterations – Phase C: Receiving of bids, (11-22-22) and Setting date of hearing, (12-12-22), Engineer's estimate, \$15,400,000.

[\(Council Communication No. 22-480\)](#)

- (F) [Harriet](#) Street Solar Field: Receiving of bids, (11-22-22) and Setting date of hearing, (12-12-22), Engineer's estimate, \$2,700,000.

[\(Council Communication No. 22-489\)](#)

7. [Approving](#) Change Order No. 2 with Herberger Construction Company, Inc. for additional work on SW 9th Street Bridge Replacement over Middle South Creek, \$104,783.25.

[\(Council Communication No. 22-490\)](#)

8. Approving Private Construction Contracts for the following:
 - (A) [Legacy](#) Excavation, LLC and Oakstone Homes of Iowa, LLC for Sanitary Sewer Improvements in Three Lakes Estates Plat 8.
 - (B) [Legacy](#) Excavation, LLC and Oakstone Homes of Iowa, LLC for Sanitary Sewer Improvements in Three Lakes Estates Plat 9.
 - (C) [Legacy](#) Excavation, LLC and J. Larson Homes, LLC for Sanitary Sewer Improvements in Three Lakes Estates Plat 10.
 - (D) [Legacy](#) Excavation, LLC and J. Larson Homes, LLC for Storm Sewer Improvements in Three Lakes Estates Plat 10.

9. Approving completion and acceptance of Private Construction Contracts for the following:
 - (A) [Sanitary](#) Sewer Improvements at Grover Woods Plat 2, between McAninch Corporation and HRC Grover Woods, LLC.
 - (B) [Storm](#) Sewer Improvements at Grover Woods Plat 2, between McAninch Corporation and HRC Grover Woods, LLC.
 - (C) [Paving](#) Improvements at Grover Woods Plat 2, between Sternquist Construction, Inc. and Hubbell Realty Company.
 - (D) [Traffic](#) Signal Improvements at 611 5th Avenue, between Baker Electric, Inc. and 611 Fifth Avenue, LLC.

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

11. Accepting completed construction and approving final payment for the following:
 - (A) [E.](#) 30th Street Bridge Rehabilitation over U.P.R.R. and Associates, Inc.
 - (B) [2021](#) City-wide PCC Pavement Restoration Program, TK Concrete, Inc.
 - (C) [2021](#) Neighborhood Sidewalk Program, TK Concrete, Inc.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2022-02.
13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2022-10.

LAND/PROPERTY TRANSACTIONS

14. [Authorization](#) to proceed with acquisition of the necessary property interests for the Guthrie Avenue Trail from Delaware Avenue to Hubbell Avenue Project.

[\(Council Communication No. 22-474\)](#)

15. [Authorization](#) to proceed with acquisition of the necessary property interests for the E. 4th Street Reconstruction from East Martin Luther King Jr. Parkway to E. Court Avenue Project.

[\(Council Communication No. 22-479\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Recommendation](#) from Council Member Mandelbaum to reappoint Frank Strong to the Access Advisory Board, Seat 6, for a four-year term commencing June 15, 2022, and expiring June 14, 2026.
17. [Recommendation](#) from Council Member Mandelbaum to reappoint Sonia Reyes to the Des Moines Civil and Human Rights Commission, Seat 6, for a three-year term commencing April 16, 2022, and expiring April 15, 2025.
18. [Communication](#) from Andrew Wyckoff advising of his resignation from the Building and Fire Code Board of Appeals, Seat 12, effective immediately.
 - (A) [Recommendation](#) from Council Member Westergaard to appoint Rush Wyckoff to the Building and Fire Code Board of Appeals, Seat 12, expiring April 1, 2023.
19. [Communication](#) from Joel Aschbrenner advising of his resignation from the Water Works Trustees, Seat 5, effective October 26, 2022.
 - (A) [Recommendation](#) from Mayor T.M. Franklin Cownie to appoint Alec Davis to the Water Works Trustees, Seat 5, commencing on October 26, 2022, expiring March 31, 2027.

20. [Alexander](#) Cutchey, Seat 11, has advised the Greater Des Moines Sister Cities Commission of his resignation, effective immediately, due to relocating outside of the City of Des Moines.
21. [Due](#) to relocating outside of the City of Des Moines, Li Zhao Mandelbaum's, Seat 7, on the Greater Des Moines Sister Cities Commission is being declared vacant effective immediately.
22. [Approving](#) admission of the City of Urbandale to the Greater Des Moines Sister Cities Commission.

COMMUNICATIONS FROM PLANNING AND ZONING

23. [Regarding](#) request from 13th and Mulberry, LLC (Byron Schafersman, Officer) for vacation of air and subsurface rights-of-way adjoining 1321 Mulberry Street, Falcon Drive, Mulberry Street, and a north/south alleyway to allow balconies, canopies and building footings on the proposed building.
- ~~24. [Regarding](#) request from Legacy 515, LLC (Zach Vander Ploeg, Officer) for vacation of undeveloped segments of right of way in the vicinity of Southwest 17th Street and County Line Road, including segments perpendicular to and to the west of Southwest 17th Street and an undeveloped segment of Southwest 14th Street for future one-household residential subdivision.~~

SETTING DATE OF HEARINGS

25. [On](#) vacation of E. Jefferson Avenue right-of-way and conveyance, along with additional excess City property all located south of and adjoining 1700 Dixon Street, to JSB Fiontair, LLC, \$5,000, (11-7-22).
26. [On](#) vacation of alley right-of-way located at 601 E. University Avenue within Burke Park, (11-7-22).
- ~~27. [On](#) request from Legacy 515, LLC (Zach Vander Ploeg, Officer) for the following regarding property located in the vicinity of Southwest 17th Street and County Line Road to receive and file the Large Scale Development Plan, to amend Plan DSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park to Low Density Residential and to rezone the property from "N3a" Neighborhood District and "EX" Mixed Use District to "N2b" Neighborhood District to allow the development of one-household residential dwellings, (11-7-22).~~
28. [On](#) appeal by First Assembly of God Church (Jeffrey Ostrander, Officer) of denial of a Type 2 Design Alternative for a Site Plan "Reach Church Building and Site Improvements" for property at 2725 Merle Hay Road. (11-7-22).

29. [On](#) the proposed Thirty First Amendment to the Urban Renewal Plan for the Metro Center Urban Renewal Area, (11-21-22).

[\(Council Communication No. 22-493\)](#)

30. [On](#) Amended and Renewed Annexation Moratorium Agreement and 28E Agreement with the City of Pleasant Hill, (12-12-22).

[\(Council Communication No. 22-499\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

31. [Approving](#) payment to Daniel Robbins.

CITY MANAGER COMMUNICATIONS

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

[\(Council Communication No. 22-492\)](#)

APPROVING

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

[\(Council Communication No. 22-491\)](#)

34. [First](#) Amendment of an Urban Renewal Development Agreement with 13th & Mulberry, LLC (Josh Aberson, Byron Schafersman and Tim Rypma) and 13th and Mulberry Multifamily, LLC for the constructions of a 5-story mixed-use building on adjacent lot northwest of 13th and Mulberry.

[\(Council Communication No. 22-498\)](#)

35. [Issuance](#) of Certificate of Completion for KG Store 543, LLC, 555 17th Street, Metro Center Urban Renewal Project.

36. [Advance](#) of funds to reimburse the City's Economic Development Enterprise Account for the purchase of 1439 Michigan Street.

[\(Council Communication No. 22-494\)](#)

37. [Assignment](#) of Agreement between City and Central Iowa Water Trails, LLC (CIWT) for Proposed Impact to Levee.

([Council Communication No. 22-478](#))

38. [Acceptance](#) of 2022 Homeland Security Explosive Ordnance Detection grant award.

([Council Communication No. 22-477](#))

39. Abatement of public nuisances as follows:

- (A) [1203](#) 15th Place and 1207 15th Place.
- (B) [408](#) E. Dunham Avenue.
- (C) [1112](#) Burnham Avenue.
- (D) [1304](#) 62nd Street.
- (E) [4504](#) Fleur Drive.
- (F) [5411](#) SE 6th Street.
- (G) [4108](#) SE 8th Street.
- (H) [104](#) E. Payton Avenue.

40. Communication of fire escrow at the following locations:

- (A) [201](#) Grand Avenue, Unit 103.
- (B) [5601](#) Kingman Avenue.

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

42. [Communication](#) from the Greater Des Moines Partnership on behalf of the LifeServe Blood Center O+, requesting approval of placement for up to 40 banners to be displayed on banner poles in downtown Des Moines beginning the first week of November 2022.

43. [Second](#) Amendment to contract with FBG Service Corporation to add professional custodial services at the Des Moines Public Library buildings, estimated annual amount not-to-exceed \$228,000.

44. Number not used.

45. [Purchase](#) from E. J. Ward, Inc. (Markay Ward, CEO) and installation of three (3) electronic fuel control terminals at existing Fire Department fueling locations per Sourcewell contract, \$52,864.75.

([Council Communication No. 22-476](#))

46. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 24 and 31, 2022; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 24 and 31, 2022; to draw checks for biweekly payroll due November 4, 2022.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 47 THRU 56)

47. [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, requires six votes for approval.

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Rich Leopold, Director, Polk County), requires six votes.

48. [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. **(Plan and Zoning Commission recommends DENIAL) Choose one option below:**

- (A) DENY.

OR

- (B) Continue the public hearing until November 7, 2022 at 5:00 P.M. and to direct the City Manager and Legal Department to prepare the necessary legislation to approve, requires six votes for approval.

49. [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.

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

50. [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, (continued from October 3rd Council meeting).

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

(B) [Final](#) consideration of ordinance above (waiver requested by Brad Lowe, Manager), requires six votes.

51. [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.

[\(Council Communication No. 22-485\)](#)

52. [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.

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

53. [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.

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

54. [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.

[\(Council Communication No. 22-484\)](#)

55. [On](#) Fourth Amendment to Concession Agreement for the Birdland Marina Concession with Less Than Trinity, LLC d/b/a Captain Roy’s and approving exception to procurement ordinance competitive process for good cause.

[\(Council Communication No. 22-483\)](#)

56. 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.

[\(Council Communication No. 22-475\)](#)

END HEARINGS AT _____PM

COUNCIL REQUESTS

57. From the City Council's Personnel Subcommittee (Cownie, Boesen and Voss) to consider receipt and approval of the City Council Personnel Committee's annual review and compensation review for the Council's direct reports.

APPROVING II

58. Items regarding property at 701 Walnut Street:

- (A) Approving Final Terms of an Urban Renewal Development Agreement with Employers Mutual Casualty (EMC) Company for the Construction of the Urban Park Stairway Nodal Area at 701 Walnut Street.

[\(Council Communication No. 22-496\)](#)

- (B) Approving Seventh Amendment and Supplement to Skywalk Agreement with Employers Mutual Casualty (EMC) Company.

[\(Council Communication No. 22-497\)](#)

- (1) First consideration of ordinance to adopt a new Skywalk System Plan Map pursuant to Section 102-319 of the Municipal Code removing Skywalk Bridge 7C-7D and Skywalk Corridor 7D(s) and adds the Stairway Nodal Area adjoining 701 Walnut Street.
- (2) Final consideration of ordinance above (waiver requested by Matt Anderson, Deputy City Manager), requires six votes.

ORDINANCES FINAL CONSIDERATION

59. Amending the Municipal Code by enacting Chapter 61 relating to the Vacant Property Registration Ordinance.
- (A) Approving and adopting administrative fees for the Vacant Property Registration Ordinance.

ORDINANCES SECOND CONSIDERATION

60. [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.

ORDINANCES FIRST CONSIDERATION

61. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes, code correction—update parking restriction to match field conditions on Mulberry Street at 8th Street.

[\(Council Communication No. 22-488\)](#)

62. [Amending](#) Chapter 2, 82 and 90 of the Municipal Code eliminating the Neighborhood Revitalization Board and transitioning to the Neighborhood Outreach Advisory Committee.

[\(Council Communication No. 22-487\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Chris Johansen, Neighborhood Services Director), requires six votes.

COMMUNICATIONS/REPORTS

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

- (A) Jenn Bast
- (B) Adam Callanan
- (C) Richard Evans
- (D) Danielle Duggan
- (E) Harvey Harrison
- (F) Laural Clinton
- (G) Alex Struelens
- (H) Heather Armstrong
- (I) Garland Armstrong
- (J) Kyle Landsberger
- (K) Carrie Gosnell

MOTION TO ADJOURN.

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