

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

**November 21, 2022
5:00 PM**

I. CLOSED SESSION – 3:00 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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PROCLAMATIONS – 4:55 PM

Native American Heritage Month

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 47:

***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)	TULLPA NOVO ANDINA	3708 MERLE HAY RD	Class C Liquor
(B)	VARIED INDUSTRIES BUILDING	3000 E GRAND AVE	Special Class C
(C)	VARSITY CINEMA	1207 25TH ST	Class C Liquor

RENEWAL APPLICATIONS

(D)	821 SQ LIQUOR	821 E EUCLID AVE	Class E Liquor
(E)	BIANCHIS HILLTOP	2820 HUBBELL AVE	Class C Liquor
(F)	BREAKFAST CLUB	212 E 3RD ST	Class C Liquor
(G)	C FRESH MARKET	801 UNIVERSITY AVE	Class E Liquor
(H)	CHAMPS CLUB AND PATIO	2279 HUBBELL AVE	Class C Liquor
(I)	EASTGATE LAUNDROMAT	1424 E OVID AVE	Class B Beer
(J)	ESTRADAS	3029 MERLE HAY RD	Class C Liquor
(K)	EUROPA GROCERIES	3839 MERLE HAY RD	Class C Beer
(L)	FELIX & OSCARS	4050 MERLE HAY RD	Class C Liquor
(M)	FLEUR CINEMA & CAFE	4545 FLEUR DR	Special Class C
(N)	FLIX BREWHOUSE IOWA	3800 MERLE HAY RD	Class C Liquor
(O)	FONGS PIZZA	223 4TH ST	Class C Liquor
(P)	GAMEDAY KITCHEN	3800 MERLE HAY RD	Class C Liquor
(Q)	HIGH LIFE LOUNGE	200 SW 2ND ST	Class C Liquor
(R)	JUNIPER MOON	2005 INGERSOLL AVE	Class C Liquor
(S)	KUM & GO #4110	2110 GUTHRIE AVE	Class E Liquor
(T)	LA BAJA COSINA MEXICANA	1938 SE 6TH ST #101	Class C Liquor
(U)	MARDI GRAS THE BIG EASY	6112 SW 9TH ST	Class C Liquor
(V)	PARK AVENUE PUB	1101 PARK AVE	Class C Liquor
(W)	QUIK TRIP #523R	849 ARMY POST RD	Class C Beer
(X)	QUIK TRIP #541	2428 HUBBELL AVE	Class C Beer
(Y)	ROYAL MILE, THE	210 4TH ST	Class C Liquor
(Z)	SAHOTA FOOD MART	1805 SE 14TH ST	Class E Liquor
(AA)	SKIPS	4000 FLEUR DR	Class C Liquor
(BB)	SOUTH SIDE SMOKE AND VAPE	3324 INDIANOLA AVE	Class C Beer
(CC)	SUDSUCKERS	1511 E ARMY POST RD	Class C Liquor
(DD)	TASTE! TO GO AND CATERING	322 E COURT AVE #100	Class C Liquor
(EE)	TOBACCO HUT	5714 HICKMAN RD	Class C Beer
(FF)	TRIANGLE TAP	2506 POST ST	Class C Liquor
(GG)	TUMEA AND SONS	1501 SE 1ST ST	Class C Liquor
(HH)	WESLEY ACRES	3520 GRAND AVE	Class A Liquor

SPECIAL EVENT APPLICATIONS

- (II) BARATTAS 519 PARK ST 5 days
CLASS C LIQUOR LICENSE FOR IOWA DEPARTMENT OF CULTURAL AFFAIRS EVENT ON DECEMBER 9, 2022.

- (JJ) IOWA EUROPEAN CULTURAL 1 LINE DR (PKG LOT) 5 days
CLASS C LIQUOR LICENSE FOR CHRISTKINDLMARKET DES MOINES ON DECEMBER 1 - 5, 2022.

- (KK) REBECCA OLIVA 3000 E GRAND AVE 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON DECEMBER 17, 2022.

- (LL) SALISBURY HOUSE 4025 TONAWANDA DR 5 days
CLASS C LIQUOR LICENSE FOR HOLLY & IVY HOME TOUR AND HOLIDAY CONCERT ON DECEMBER 2 - 4, 2022.

TRANSFER TO NEW LOCATION

- (MM) 4H BUILDING 3000 E GRAND AVE #496
TEMPORARY TO THE ELWELL FAMILY FOOD CENTER FOR AN EVENT ON DECEMBER 13, 2022.

- (NN) ELWELL FAMILY FOOD CENTER 3000 E GRAND AVE #052
TEMPORARY TO THE 4H BUILDING FOR AN EVENT ON DECEMBER 13, 2022.

- 5. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

- 6. Ordering construction of the following:
 - (A) [2023](#) Traffic Signal Replacement Contract 1: Receiving of bids, (12-13-22) and Setting date of hearing, (1-9-23), Engineer’s estimate, \$900,000.

[\(Council Communication No. 22-544\)](#)

 - (B) [E.](#) Court Avenue Reconstruction from Des Moines River to E. 7th Street: Receiving of bids, (12-13-22) and Setting date of hearing, (1-9-23), Engineer’s estimate, \$6,800,000.

[\(Council Communication No. 22-530\)](#)

- (C) [Stone](#) Park Community Garden: Receiving of bids, (12-13-22) and Setting date of hearing, (1-9-23), Engineer’s estimate, \$650,000.

[\(Council Communication No. 22-536\)](#)

- (D) [SW](#) 11th Street from West ML King Jr. Parkway to Dart Way Improvements: Receiving of bids, (12-13-22) and Setting date of hearing, (1-9-23), Engineer’s estimate, \$285,000.

[\(Council Communication No. 22-535\)](#)

- 7. [Approving](#) and authorizing the execution of an Addendum to the Iowa Department of Transportation (Transportation Alternatives Program) Agreement for the Carlisle Trail Connection Project.

[\(Council Communication No. 22-540\)](#)

- 8. [Approving](#) and authorizing the execution of the Iowa Department of Transportation (State Recreation Trails) Agreement for the Carlisle Trail Connection Project.

[\(Council Communication No. 22-539\)](#)

- 9. [Approving](#) 28E Agreement with the City of West Des Moines for major reconstruction on SW 63rd Street/SE 1st Street from Willow Creek Avenue/SE Willow Creek Drive (formerly Army Post Road) to the dead end north of Willow Creek Avenue/SE Willow Creek Drive (formerly) Army Post Road.

[\(Council Communication No. 22-533\)](#)

- 10. [Approving](#) Professional Services Agreement with Felsburg Holt & Ullevig, Inc. for the Grand Avenue and Locust Street One-Way to Two-Way Conversion Study, not to exceed \$327,405.

[\(Council Communication No. 22-532\)](#)

- 11. [Approving](#) Professional Services Agreement with SmithGroup, Inc. for Birdland Park Phase 1 Improvements, not to exceed \$798,630.

[\(Council Communication No. 22-538\)](#)

- 12. [Approving](#) Professional Services Agreement with Olsson, Inc. for Traffic Engineering Services for the Traffic Signal System Timing Updates – Phase 5, not to exceed \$334,958.23.

[\(Council Communication No. 22-523\)](#)

13. [Accepting](#) completed construction and approving final payment for 34th Street and Urbandale Sidewalk and Intersection Improvements, TK Concrete, Inc.

SPECIAL ASSESSMENTS

14. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2022-03.
15. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2022-12.

LAND/PROPERTY TRANSACTIONS

16. [Conditionally](#) approving final subdivision plat and acceptance of subdivision bond for Grover Woods Plat 2.

[\(Council Communication No. 22-542\)](#)

17. [Approving](#) final subdivision plat and acceptance of subdivision bond for Southwoods Estates Plat 3.

[\(Council Communication No. 22-521\)](#)

18. [Partially](#) releasing Letter of Credit Surety for Parkside Estates Plat 1.

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. [Approving](#) merger of the Fort Des Moines Neighborhood Association, Magnolia Park Neighborhood Association and South Park Neighborhood Association and creation of the South Central DSM Neighborhood Association in accordance with the Neighborhood Recognition Policy.

[\(Council Communication No. 22-520\)](#)

20. [Communication](#) from Dory Briles advising of her resignation from the Plan and Zoning Commission, Seat 7, effective December 16, 2022.

21. [Recommendation](#) from Council Member Voss to appoint Carol Maher to the Plan and Zoning Commission, Seat 7, commencing on December 16, 2022, expiring June 30, 2024.

22. [Approving](#) appointments to the Youth Advisory Board for a term expiring July 31, 2023 as follows:
- (A) Natalia Guerra-Ceron
 - (B) Hannah Hayes
 - (C) Idris Abdullahi
 - (D) Lucy Swauger
 - (E) Fardowsa Mohamed
 - (F) Bradlee Gross
 - (G) Raegan Park
 - (H) Destiny King
 - (I) Hlaw Meh
 - (J) Trey Jackson
 - (K) Akaiyah Lee

SETTING DATE OF HEARINGS

23. [On](#) vacation of a portion of E. Walnut Street and E. 4th Street right-of-way adjoining 321 E. Walnut Street and conveyance of a sidewalk café lease to Northwestern Hospitality, LLC for \$643 per year, (12-12-22)
24. [On](#) vacation of Dixon Court right-of-way adjoining 1626 Dixon Street and conveyance to Liberty Holdings, Inc., \$8,440, (12-12-22).
25. [On](#) conveyance of a portion of vacated SE 4th Street right-of-way adjoining 403 Scott and 605-619 SE 4th Street to Artistic Iron Properties, LC, \$32,100, (12-12-22).
26. [On](#) request from Alejandro J. Munoz De La Cruz (Owner) for property located at 1117 26th Street to rezone the property from “N5” Neighborhood District to “N5-2” Neighborhood District to allow reuse of the existing structure for a duplex use, (12-12-22).
- 26-I [On](#) the proposition to authorize a lease purchase agreement in the principal amount not-to-exceed \$100,000 for the purpose of acquiring certain items of equipment consisting of three (3) electric vehicles for use by the Des Moines Public Library, (12-12-22).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Approving](#) payment to Katie Saravia for an auto damage claim.
28. [Approving](#) payment to Spencer and Rosalinda Wright for an auto damage claim.

APPROVING

29. [Home](#) Investment Partnerships Program (HOME) Community Housing Development Organization (CHDO) funding for Home Opportunities Made Easy, Incorporated (HOME, Inc.) to construct an affordable single-family home at 3806 8th Street, \$200,000.

[\(Council Communication No. 22-528\)](#)

30. [First](#) Amendment to the Amended and Restated Urban Renewal Development Agreement with The District Developer, LLC.

[\(Council Communication No. 22-543\)](#)

31. [Preliminary](#) terms of an Urban Renewal Development Agreement with Turrin, LLC for the new construction of a 360-unit, 32 story multi-family apartment tower located at 515 Walnut Street.

[\(Council Communication No. 22-547\)](#)

32. [Authorizing](#) City Manager to negotiate and execute a grant agreement with Turrin, LLC for affordable housing at 515 Walnut Street.

[\(Council Communication No. 22-551\)](#)

33. [Authorizing](#) City Manager to negotiate and execute a grant agreement with Star Apartments, LLC for affordable housing at 2701 Ingersoll Avenue.

[\(Council Communication No. 22-550\)](#)

34. [First](#) amendment to cooperative agreement between Polk County and the Central Iowa Watershed Management Authorities to provide funding for an additional Watershed Coordinator position.

[\(Council Communication No. 22-546\)](#)

35. [Grant](#) agreement with the Waveland Trolley Loop Foundation for Waveland Trolley Loop Project.

36. [Release](#) of special assessments and partial releases of judgement liens for certain properties acquired through the tax sale certificate process.

[\(Council Communication No. 22-526\)](#)

37. [Intergovernmental](#) transfer of public funds pursuant to agreement with Iowa Department of Human Services and approval of agreement for Fiscal Year 2023-2024.

[\(Council Communication No. 22-529\)](#)

38. [Purchase](#) from Halcore Group, Inc. d/b/a Horton Emergency Vehicles, through its local vendor Foster Coach Sales, Inc. (Steve Foster, President) of two (2) Type 1 replacement ambulances per Sourcewell Cooperative Agreement for use by the Fire Department, \$901,964.

[\(Council Communication No. 22-534\)](#)

39. [Purchase](#) from Electric Pump (Tim Miller, President), as sole area-wide distributor, one (1) Flygt submersible axial flow pump and startup services for use by the Public Works Department, \$78,115.

[\(Council Communication No. 22-519\)](#)

40. [Purchase](#) from Toter, Inc. (Chad Coquette, Executive Director/CEO) for solid waste collection carts per Sourcewell Contract for use by the Public Works Department, additional funds \$200,000.

[\(Council Communication No. 22-518\)](#)

41. [Purchase](#) from Waldinger Corporation (Thomas Koehn, CEO) for water installation services per State of Iowa Master Agreement for use by the Facilities Division, \$62,983.

[\(Council Communication No. 22-522\)](#)

42. [Procurement](#) from Kellner Auction (James Kellner, Owner) for a three (3) year contract with one (1) additional three-year renewal option to furnish auctioneering services to dispose of abandoned and/or surplus vehicles from the Police Department Property Management section, estimated annual cost \$50,000.

[\(Council Communication No. 22-549\)](#)

43. Items regarding Annual Urban Renewal Report (AURR) and Tax Increment Financing (TIF) Certification:

[\(Council Communication No. 22-541\)](#)

- (A) [Advance](#) of funds to the Metro Center Urban Renewal Project for planning, oversight, and administration, \$800,000.
 - (B) [Communication](#) from the City Manager on Tax Increment Financing (TIF) needs for FY 2023-2024 and certification of TIF indebtedness.
 - (C) [Urban](#) Renewal Reports for Urban Renewal Plans and Areas within the City of Des Moines.
44. [Expenditures](#) of ARPA funds.
45. Abatement of public nuisances as follows:
- (A) [3724](#) Indianapolis Avenue.
 - (B) [120](#) E. Titus Avenue.
46. Communication of fire escrow at the following locations:
- (A) [1063](#) 40th Street.
 - (B) [1306](#) E. 27th Court.
47. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 21, 28 and December 5, 2022; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 21, 28 and December 5, 2022; to draw checks for biweekly payroll due December 2, 2022.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 48 THRU 59)

48. [On](#) vacation of a portion of Beaverdale Park, 3333 Adams Avenue, located along the western park boundary, and approval of a Land Exchange Agreement with Steven G. Berry and Linda K. Berry as Trustees of the Steven G. Berry and Linda K. Berry Revocable Trust U/A dated April 16, 2019.
- (A) [First](#) consideration of ordinance above.

49. [On](#) vacation of a portion of 7th Street, Walnut Street and Mulberry Street right-of-way adjoining 207 7th Street and conveyance of a Permanent Easement for Building Encroachment and a Permanent Easement for Subsurface Building Encroachment to Lawmark, LP, \$102,128.

[\(Council Communication No. 22-537\)](#)

- (A) [First](#) consideration of ordinance above.
50. [On](#) conveyance of a portion of vacated SE 4th Street right-of-way located east of and adjoining 303 Scott Avenue to OneSpeed DSM, LLC, \$45,400.
51. [On](#) conveyance of a portion of vacated SE 2nd Street right-of-way located west of and adjoining 303 Scott Avenue to OneSpeed DSM, LLC, \$17,400.
52. [On](#) request from Electrical Workers Foundation (Patrick Wells, Officer) for property located at 850 18th Street to rezone the property from “RX1” Mixed Use District and “NX2a” Neighborhood Mix District to “RX1” Mixed Use District to allow reuse of the existing building for a medical office use.
- (A) [First](#) consideration of ordinance above.
53. [On](#) request from ILEX Group, Inc. (Ben Schultes, Officer) for property located in the vicinity of 4600 E. 14th Street to amend PlanDSM Creating Our Tomorrow Plan to assign the Industrial within a Community Node future land use classification for the property and to rezone the property from “A” Agriculture District to “I1” Industrial District to allow development of an industrial use in coordination with the property adjacent to the west.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
54. [On](#) request from City of Des Moines and Board of Water Works Trustees (Ted Corrigan, Officer) for property located in the vicinity of 2508 George Flagg Parkway 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 District to limited “I1” Industrial District to allow outdoor storage that would be accessory to an office and garage building **and to continue to the December 12, 2022 Council Meeting**.
- (A) [First](#) consideration of ordinance above.

55. On request from Sheldon Roney (Owner) for property located at 1626 E. Park Avenue to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential Use to Community Mixed Use, and to rezone the property from “N3a” Neighborhood District to “MX3” Mixed Use District to allow the use of an accessory structure for a motor vehicle repair business. **Choose one alternative below A or B.**

(A) To DENY.

OR

(B) To continue until December 12, 2022 and direct the City Manager and Legal Department to prepare the necessary legislation to APPROVE.

56. On the proposed Thirty First Amendment to the Urban Renewal Plan for the Metro Center Urban Renewal Area.

[\(Council Communication No. 22-548\)](#)

57. On 2023 Midblock Pedestrian Signal Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Jasper Construction Services, Inc. (Cliff Rhoads, President), \$738,820.

[\(Council Communication No. 22-524\)](#)

(A) Approval of contract and bond and permission to sublet.

58. On Easton Boulevard Reconstruction – E 33rd Street to Fourmile Creek: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as All Star Concrete, LLC (Alex Vazquez, Member and Manager), \$1,454,255.24.

[\(Council Communication No. 22-545\)](#)

(A) Approval of contract and bond and permission to sublet.

59. On Riverview Stage Electrical Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Central Iowa Mechanical Company (Larry D. Goode, Jr., President), \$96,300.

[\(Council Communication No. 22-531\)](#)

(A) Approval of contract and bond and permission to sublet.

ORDINANCES FIRST CONSIDERATION

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

[\(Council Communication No. 22-525\)](#)

- (A) Code changes to establish a passenger loading and unloading zone on 7th Street between Grand Avenue and Locust Street.
 - (B) Code change to match field conditions on 6th Avenue between Grand Avenue and High Street.
61. [Amending](#) Table 135-2.22-1 of the Zoning Ordinance relating to accessory structures in an “F” zoning district and design alternatives relating to permitted accessory structures.
- (A) [Final](#) consideration of ordinance above (waiver requested by the Development Services Director), requires six votes.
 - (B) [Receive](#) and file communication from the Plan and Zoning Commission.

COMMUNICATIONS/REPORTS

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

- (A) Carol Maher
- (B) Lori A. Young
- (C) Allan M. Richards

MOTION TO ADJOURN.

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