

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

January 9, 2023
5:00 PM

1. ROLL CALL:
- I [Appointment](#) of Council Member Boesen as Mayor Pro Tem for the 2023 Calendar Year.
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 39:

***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)	CASA CANCUN BAR & GRILL	1951 INDIANOLA AVE	Class C Liquor
(B)	HOMEGROWN CRESCENT	555 17TH ST	Class C Liquor
(C)	MORTYS PLACE	2117 E UNIVERSITY AVE	Class C Liquor
(D)	STRIKING SPARROW LOUNGE	1930 SE 6TH ST	Class C Liquor

RENEWAL APPLICATIONS

(E)	A DONG RESTAURANT	1511 HIGH ST	Special Class C
(F)	BAILEYS PUB N GRUB	918 E EUCLID AVE	Class C Liquor
(G)	CASEYS GENERAL STORE #2322	4331 PARK AVE	Class C Beer
(H)	CASEYS GENERAL STORE #2641	2849 E EUCLID AVE	Class C Beer
(I)	CASEYS GENERAL STORE #2786	5150 E 14TH ST	Class E Liquor
(J)	GIT N GO STORE #2	1307 ARMY POST RD	Class B Retail
(K)	GIT N GO STORE #24	1142 42ND ST	Class B Retail
(L)	GIT N GO STORE #27	1240 KEOSAUQUA WAY	Class B Retail
(M)	HAIKU SUSHI INC	1315 31ST ST	Class C Liquor
(N)	HIGHLAND PARK POST NO 374	3712 2ND AVE	Class A Liquor
(O)	HOLIDAY INN EXPRESS	333 SW 11TH ST	Class B Retail
(P)	HY VEE STORE #1	3330 MLK JR PKWY	Class E Liquor
(Q)	KUM & GO #573	5830 SE 14TH ST	Class E Liquor

(R)	LA CABANA MEXICAN	1435 ARMY POST RD	Class C Liquor
(S)	MARVS MUSIC	506 E 6TH ST #200	Special Class C
(T)	MLK LIQUOR LLC	3424 MLK JR PKWY	Class E Liquor
(U)	PRIMOS TEX MEX BAR & GRILL	1140 E ARMY POST RD	Class C Liquor
(V)	QUIK TRIP #544	3941 SE 14TH ST	Class E Liquor
(W)	SHOP N SAVE #2	1372 E 14TH ST	Class E Liquor
(X)	STAYBRIDGE SUITES	201 E LOCUST ST	Class B Retail
(Y)	TARGET STORE T2041	5901 DOUGLAS AVE	Class E Liquor
(Z)	UNIVERSITY LIBRARY CAFE	3506 UNIVERSITY AVE	Class C Liquor

SPECIAL EVENT APPLICATION

(AA) APRES BAR CO 519 PARK ST 5 days
 SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR AN EVENT ON
 JANUARY 18, 2023.

TRANSFER TO NEW LOCATION

(BB) BROKEN SPOKE BAR & GRILL 3925 E 14TH ST Class C Liquor
 PERMANENT TRANSFER FROM 509 E 25TH STREET.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

(A) [Fleur](#) Drive Reconstruction, Phase 3 from Watrous Avenue to McKinley Avenue: Receiving of bids, (1-24-23) and Setting date of hearing, (2-6-23), Engineer’s estimate, \$7,125,000.

[\(Council Communication No. 23-024\)](#)

(B) [Pennsylvania](#) Avenue Rehabilitation from E. Washington to E. Jefferson: Receiving of bids, (1-24-23) and Setting date of hearing, (2-20-23), Engineer’s estimate, \$330,000.

[\(Council Communication No. 23-017\)](#)

(C) [SW](#) 8th Street Viaduct Rehabilitation: Receiving of bids, (1-24-23) and Setting date of hearing, (2-20-23), Engineer’s estimate, \$933,000.

[\(Council Communication No. 23-018\)](#)

(D) [3rd](#) & Court Parking Garage Elevator Replacement: Receiving of bids, (2-7-23) and Setting date of hearing, (3-6-23), Engineer’s estimate, \$450,000.

[\(Council Communication No. 23-023\)](#)

7. [Approving](#) and authorizing the execution of the Iowa Department of Transportation (IDOT) Agreement for the Central Place Levee Trail Phase 1 project.

[\(Council Communication No. 23-008\)](#)

8. [Approving](#) Professional Services Agreement with HR Green, Inc. for the SE 14th Street and Maury Street Intersection Improvements, not to exceed \$455,035.

[\(Council Communication No. 23-007\)](#)

9. [Approving](#) Professional Services Agreement with Shuck-Britson, Inc. for the Fleur Drive Bridge over Raccoon River Rehabilitation, not to exceed \$123,981.

[\(Council Communication No. 23-009\)](#)

10. [Approving](#) Private Construction Contract between Graphite Construction Group, Inc. and Youth and Shelter Services, Inc. for storm water improvements in 2705 E. Euclid Avenue.

11. Accepting completed construction and approving final payment for the following:

- (A) [2021](#) Traffic Signal Replacement Contract 2, Iowa Signal, Inc.

- (B) [Ingersoll](#) Avenue Streetscape from 24th Street to 28th Street (north side), Jasper Construction Services, Inc.

- (C) [Keosauqua](#) Way Rehabilitation – 9th Street to 19th Street, InRoads, LLC.

- (D) [Police](#) Station Exterior Masonry Repair, TNT Tuckpointing and Building Restoration, LLC.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2023-01.

13. [Deletion](#) of rental inspection assessment at 933 18th Street.

LAND/PROPERTY TRANSACTIONS

14. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2022, (117 applications).

[\(Council Communication No. 23-010\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Communication](#) from Blake O'Brien advising of his resignation from the Building and Fire Code Board of Appeals, Seat 4, effective immediately.

SETTING DATE OF HEARINGS

16. [On](#) vacation of Allen Park as parkland due to the Des Moines River Levee Alterations Project – Phase C, (1-23-23).
17. [On](#) In-Building Lease and Agreement with USCOC of Greater Iowa, LLC (US Cellular) for wireless communication equipment within Municipal Services Center Phase 2, (1-23-23).
18. [On](#) Sixth Amendment to Real Estate Lease and Asset Transfer Agreement with the Des Moines Airport Authority to exclude excess property adjoining Fleur Drive between Highview Drive and McKinley Avenue, (1-23-23).
19. [On](#) Second Amendment to lease of the A.H. Blank Park Zoo to the Blank Park Zoo Foundation, Inc., (1-23-23).
20. [On](#) Fifth Amendment to lease of the Des Moines Botanical Center to the Greater Des Moines Botanical Garden Corporation, (1-23-23).
21. [On](#) request from the Greater Des Moines Partnership and City of Des Moines for review and recommendation to adopt the DowntownDSM: Future Forward Plan as an element of PlanDSM: Creating Our Tomorrow Comprehensive Plan, (1-23-23).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

22. [Approving](#) payment to Country Financial as subrogee of Khristina Dunn for an auto damage and bodily injury claim.
23. [Approving](#) payment to John Parrish and Allison Hall for a property damage claim.
24. [Approving](#) payment to Crystéal Davis, Damon Davis and Iisha Hillmon.
25. [Approving](#) payment to Trenisha Webster.
26. [Approving](#) waiver and consent of conflict of interest in representation by Ahlers & Cooney, PC of the Des Moines Airport Authority as to an agreement for transfer of an irrigation system.

CITY MANAGER COMMUNICATIONS

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

([Council Communication No. 23-029](#))

APPROVING

28. [Reallocation](#) of unspent 2021 and 2022 Emergency Solutions Grant (ESG) Funding from the U.S. Department of Housing and Urban Development (HUD).

([Council Communication No. 23-001](#))

29. [Authorizing](#) partial release of judgement lien at 2229 Elizabeth Avenue.

([Council Communication No. 23-002](#))

30. [Neighborhood](#) Finance Corporation (NFC) lending areas.

([Council Communication No. 23-011](#))

31. [Local](#) financial match of an application for financial assistance to the Iowa Economic Development Authority (IEDA) under the High Quality Jobs (HQP) Program for OpenLoop Health, Inc.

([Council Communication No. 23-027](#))

32. [Acceptance](#) of the COPS Anti-Heroin Grant Award by the Governor's Office of Drug Control Policy.

([Council Communication No. 23-012](#))

33. [Agreements](#) with Des Moines Area Community College (DMACC) for EMT Training and Paramedic Training.

([Council Communication No. 23-005](#))

34. [Agreement](#) with the University of Iowa College of Nursing regarding Simulation in Motion-Iowa (SIM-IA) training for the Des Moines Fire Department.

([Council Communication No. 23-004](#))

35. [Third](#) amendment to the Economic Development Agreement with Street Collective related to maintenance and expansion of the B-Cycle Program.

[\(Council Communication No. 23-021\)](#)

36. [\\$100,000](#) forgivable loan economic development grant agreement to the Street Collective for the maintenance and expansion of the B-Cycle program in Des Moines.

[\(Council Communication No. 23-022\)](#)

37. Abatement of public nuisances as follows:

- (A) [1168](#) 22nd Street.
- (B) Number not used.
- (C) [518](#) Watrous Avenue.
- (D) [5905](#) South Union Street.

38. Purchases from the following:

- (A) [Safeware](#), Inc. (Edward A. Simons, President) for seven (7) Explosive Ordnance Detection (EOD) protective suits and chemical protection masks per State of Iowa Cooperative Agreement for use by the Police Department, using the 2022 EOD Homeland Security Grant, \$374,313.78.

[\(Council Communication No. 23-013\)](#)

- (B) [Keltex](#) Inc. (Michelle Jensen, President & CEO) for additional Emergency Vehicle Equipment per multiple State of Iowa Contracts for use by the Police Department, \$171,639.72.

[\(Council Communication No. 23-014\)](#)

- (C) [Van](#) Maanen Electric, Inc. (Nathan Van Maanen, President) for an annual agreement with four (4) additional one-year renewal options to furnish on-call traffic signal repair and maintenance for use by the Engineering Department, additional amount of \$100,000. (Three (3) potential bidders, two (2) received).
- (D) [Clarke](#) Mosquito Control Products (J. Lyell Clarke III, President) to furnish mosquito control services for use by the Neighborhood Inspections Division, estimated annual amount \$356,980. (Two (2) compliant bids received).

39. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 9 and January 16, 2023; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 9 and January 16, 2023; to draw checks for biweekly payroll due January 13, 2023.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 40 THRU 50)

40. [On](#) vacation of an undeveloped segment of E. Fulton Drive right-of-way located within Stone Park at 2100 SE 5th Street and dedication of such property and a segment of previously vacated E. Olinda Avenue lying within Stone Park as Parkland.
- (A) [First](#) consideration of ordinance above.
41. [On](#) conveyance of a Permanent Easement for Building Encroachment in property located east of and adjoining 2035 E. Ovid Avenue to Peterson Ventures, LLC for \$225.
42. [On](#) conveyance of City-Owned property to Neighborhood Finance Corporation for redevelopment of housing.

[\(Council Communication No. 23-003\)](#)

43. [On](#) request from Kary Dunn (Owner) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for property located at 810 E. Euclid Avenue from Low Density Residential within a Community Node to Community Mixed Use within a Community Node and to rezone the property from “N5” Residential District to Limited “MX3” Mixed Use District to allow the expansion of the parking lot to the east (Git-N-Go).
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.

44. [On](#) request from Neighborhood Development Corp (Abbey Gilroy, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for the northernmost portion of the property located at 2211 University Avenue from Low-Medium Density Residential within a Neighborhood Node to Neighborhood Mixed Use within a Neighborhood Node, and to rezone the property from “RX2” Mixed Use District to “MX2” Mixed Use District to allow redevelopment of the site with a new three-story mixed-use building using the Storefront building type.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Michael Ludwig, Interim Development Services Director), requires six votes.
45. [On](#) request from Eastgate Plaza, LLC (Norman S. Weinstein, Officer) for review and approval of an 8th amendment to the Eastgate Plaza PUD Conceptual Plan to allow redevelopment of the property at 1514 E. Euclid Avenue with a car wash use.
46. [On](#) approval of a License Agreement with Waterbury Neighborhood Association in a portion of Ingersoll Avenue right-of-way located west of Polk Boulevard adjoining 600 Polk Boulevard and 601 48th Street for \$1,000.
47. [On](#) 2023 Traffic Signal Replacement Contract 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Iowa Signal, Inc. (Wayne Lesley, President), \$854,230.39.

[\(Council Communication No. 23-016\)](#)

- (A) [Approval](#) of contract and bond and permission to sublet.
48. [On](#) E. Court Avenue Reconstruction from Des Moines River to E. 7th Street: 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), \$6,893,459.

[\(Council Communication No. 23-015\)](#)

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

49. On Stone Park Community Garden: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Burkett Construction, LLC (Andrew Burkett, Owner), \$518,897.98.

[\(Council Communication No. 23-019\)](#)

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

50. On SW 11th Street from West ML King Jr Parkway to Dart Way 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), \$243,119.50.

[\(Council Communication No. 23-020\)](#)

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

END HEARINGS AT _____PM

ORDINANCES – FIRST CONSIDERATION

51. Amending Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows:

[\(Council Communication No. 23-006\)](#)

- (A) Code modifications related to new streets built as part of Grover Woods Plat 2 Development near Hubbell Avenue and E. 44th Street.
- (B) Code modifications related to new streets built as part of the Woods at Copper Creek Plat 6 Development between E. Sheridan Avenue to the north and Wisconsin Avenue to the south.
- (C) Code modifications related to new streets built as part of Woodbury Plat 1 Development near east of E. 56th Street, west of US Highway 65, and south of E. Douglas Avenue.
- (D) Code modifications related to new streets built as part of the Woods on the River Plat 2 Development including Grand River Drive and River Ridge Road.
- (E) Traffic Control Change – SE 15th Court and Shaw Street.
- (F) Parking Modification – E. 39th Street from Easton Boulevard to Mattern Avenue.
- (G) Corner Clearance Parking Restrictions:
 - (1) Bowdoin Street and E. Douglas Avenue.
 - (2) Bowdoin Street and E. Madison Avenue.
 - (3) Columbia Street and E. Douglas Avenue.
 - (4) E. Douglas Avenue and E. 14th Street.
 - (5) E. Thornton Avenue and SE 1st Street.

52. [Amending](#) Section 2-1176 relating to the creation, composition and appointment of members of the Youth Advisory Board.

APPROVING II

53. [Review](#) of Zoning Board of Adjustment decision conditionally granting a use variance to allow use of the property at 1626 E. Park Avenue for a “Vehicle Maintenance/Repair, Minor” use in a “N3a” Neighborhood District. **(Choose one alternative A, B or C)**

[\(Council Communication No. 23-028\)](#)

- (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 January 29,2023.
- (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

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

- (A) Jolene Prescott
(B) Bridget Botkin
(C) Adam Callanan
(D) Carolyn Uhlenhake Walker

MOTION TO ADJOURN.

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