

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

January 23, 2023
5:00 PM

I. ~~CLOSED SESSION – 3:00 PM CANCELLED~~

~~(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.~~

* * * * *

PROCLAMATION – 4:50 PM

Human Trafficking Prevention and Awareness Month

1. ROLL CALL:

I [Amending](#) the procedural rules of the Des Moines City Council.

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

3. APPROVING CONSENT AGENDA * – items 3 through 25:

***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 APPLICATION

(A) E 25TH ST PUB & GRUB 509 E 25TH ST Class C Liquor

RENEWAL APPLICATIONS

(B) 300 CRAFT & ROOFTOP 300 W MLK JR PKWY Class C Liquor
(C) ALBA RESTAURANT 519 DES MOINES ST Class C Liquor
(D) APOSTO 644 18TH ST Class C Liquor
(E) BEAVER TAP 4050 URBANDALE AVE Class C Liquor
(F) BEST FOOD MART 4028 E 14TH ST Class E Liquor
(G) CASEYS GENERAL STORE #2244 2150 E ARMY POST RD Class B Retail
(H) CASEYS GENERAL STORE #3518 1907 ARMY POST RD Class E Liquor
(I) FAREWAY STORES INC #183 4313 FLEUR DR Class E Liquor
(J) FAST MART 1621 UNIVERSITY AVE Class E Liquor
(K) FLYING MANGO 4345 HICKMAN RD Class C Liquor
(L) GIT N GO STORE #18 6501 SE 14TH ST Class B Retail
(M) GIT N GO STORE #29 4900 URBANDALE AVE Class B Retail
(N) GIT N GO STORE #32 2911 DOUGLAS AVE Class B Retail
(O) HY VEE #6 420 COURT AVE (STORE) Class E Liquor
(P) HY VEE MARKET GRILLE #6 420 COURT AVE (CAFE) Class C Liquor
(Q) IOWA TAPROOM 215 E 3RD ST #100 Class C Liquor
(R) JIFFY #924 3718 SW 9TH ST Class B Retail
(S) LIFT 222 4TH ST Class C Liquor
(T) MAD MEATBALL PIZZERIA 210 SW 11TH ST Class C Liquor
(U) MAGGIES RUMBLE ROOM 1430 2ND AVE Class C Liquor
(V) MARIANAS 1305 UNIVERSITY AVE Special Class C
(W) PALMERS DELI & MARKET 2843 INGERSOLL AVE Class C Liquor
(X) PANKA PERUVIAN 2708 INGERSOLL AVE Class C Liquor
(Y) PUEBLO VIEJO 3841 E 14TH ST Class C Liquor
(Z) QUINTONS BAR & GRILL 506 E GRAND AVE Class C Liquor
~~(AA) RESIDENCE INN DES MOINES 100 SW WATER ST Class B Liquor~~
(BB) SNAKE PIT LOUNGE 3100 MCKINLEY AVE Class A Liquor
(CC) TANGERINE FOOD COMPANY 4700 GRAND AVE Class C Liquor
(DD) TOBACCO OUTLET PLUS #521 3301 E EUCLID AVE Class B Retail

SPECIAL EVENT APPLICATIONS

(EE) CAMPBELLS CONCESSIONS 3000 E GRAND AVE 14 days
CLASS C LIQUOR LICENSE FOR THE IOWA BEEF EXPO ON FEBRUARY 11
– 19, 2023.

(FF) GREAT CATERERS OF IOWA 519 PARK ST 5 days CLASS
C LIQUOR LICENSE FOR I'LL MAKE ME A WORLD IN IOWA EVENT ON
JANUARY 28, 2023

TRANSFER TO NEW LOCATION

(GG) ELWELL FAMILY FOOD CENTER 3000 E GRAND AVE Class C Liquor
TEMPORARY TO THE VARIED INDUSTRIES BUILDING FOR A
RETIREMENT PARTY ON JANUARY 27, 2023.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

(A) [2023](#) HMA Resurfacing Program Contract 1: Receiving of bids, (2-7-23) and Setting date of hearing, (3-6-23), Engineer's estimate, \$1,200,000.

[\(Council Communication No. 23-030\)](#)

(B) [E.](#) 4th Street Reconstruction from East ML King Jr Parkway to E. Market Street: Receiving of bids, (2-7-23) and Setting date of hearing, (2-20-23), Engineer's estimate, \$4,750,000.

[\(Council Communication No. 23-038\)](#)

(C) [Easter](#) Lake Drive Sidewalk from Indianola Avenue to Easter Lake Park: Receiving of bids, (2-7-23) and Setting date of hearing, (3-6-23), Engineer's estimate, \$2,200,000.

[\(Council Communication No. 23-033\)](#)

(D) [Western](#) Gateway Water Features: Receiving of bids, (2-7-23) and Setting date of hearing, (2-20-23), Engineer's estimate, \$925,000.

[\(Council Communication No. 23-035\)](#)

(E) [Woodland](#) Cemetery Roadway Improvements: Receiving of bids, (2-7-23) and Setting date of hearing, (3-6-23), Engineer's estimate, \$775,000.

[\(Council Communication No. 23-036\)](#)

7. [Approving](#) Private Construction Contract between Graphite Construction Group, Inc. and Merle Hay Anchors, LLC for storm sewer improvements in 4000 Merle Hay Road.
8. Accepting completed construction and approving final payment for the following:
 - (A) [Skywalk](#) HVAC Replacement Phase 4, Stein Heating & Cooling Inc.
 - (B) [Observatory](#) Road Reconstruction from Polk Blvd West to Parking Lot, InRoads, LLC.
 - (C) [E. 3rd Street](#) Reconstruction from E. Court Avenue to Iowa Interstate Railroad, Minturn, Inc.

SPECIAL ASSESSMENTS

9. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2023-01.

LAND/PROPERTY TRANSACTIONS

10. [Approval](#) of final subdivision plat for Three Lakes Estates Plat 8.

[\(Council Communication No. 23-042\)](#)
11. [Approval](#) of final subdivision plat and acceptance of restoration surety for the Creek at Echo Valley Plat 1.

[\(Council Communication No. 23-041\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

12. [Receipt](#) of communication from Izaah Knox advising of his resignation from the Des Moines Civil and Human Rights Commission, Seat 5, effective immediately.
13. [Recommendation](#) from Council Member Westergaard to appoint Nate Niceswanger to Des Moines Civil and Human Rights Commission, Seat 5, expiring March 31, 2024.
- 13-I [Recommending](#) Linda Westergaard as Public Official and Robert Mahaffey as Senior Representative to the Aging Resources of Central Iowa Board of Directors for calendar year 2023.

SETTING DATE OF HEARINGS

14. [On](#) the proposition to authorize lease purchase agreements in the total principal amount not to exceed \$900,000 for the purpose of acquiring certain items of equipment consisting of up to fourteen vehicles, (2-6-23).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

15. [Approving](#) payment to Dejuan Haynes.

APPROVING

16. [Final](#) terms of an Urban Renewal Development Agreement with Union at Rivers Edge, LP (The Annex Group) for the new construction of a 216-unit multi-family apartment project located at 1600 Indianola Avenue.

[\(Council Communication No. 23-046\)](#)

- (A) [Agreement](#) with Union at Rivers Edge, LP to provide a grant of \$300,000 in conjunction with the Urban Renewal Development Agreement.

[\(Council Communication No. 23-045\)](#)

17. [Four](#) Party Funding Agreement between Blackacre Development, LLC (Krause+), HCR NFS I, LLC (Hubbell), River Point West, LLC (Sherman) and the City of Des Moines to reconstruct Tuttle Street from SW 12th Street to SW 14th Street.

[\(Council Communication No. 23-043\)](#)

18. [Clarifying](#) the affordability requirements for a grant agreement with Star Apartments, LLC for affordable housing at 2701 Ingersoll Avenue.

19. [Authorizing](#) release of special assessments and partial release of judgement liens for certain properties acquired through the tax sale certificate process.

[\(Council Communication No. 23-034\)](#)

20. [Agreement](#) with the Des Moines Airport Authority for conveyance of an irrigation system to the City on property being leased to the Authority for the Fleur Drive Reconstruction, Phase 3 from Watrous Avenue to McKinley Avenue Project.

[\(Council Communication No. 23-032\)](#)

21. [Amended](#) and Restated 28E Agreement with the Neighborhood Development Corporation.

([Council Communication No. 23-031](#))

22. [Receive](#) and file Quarterly Treasurer’s Report as of December 31, 2022.

23. Abatement of public nuisances as follows:

- (A) [1439](#) E. Ovid Avenue.
- (B) [6309](#) South Union Street.
- (C) [7301](#) Fleur Drive, Unit 2.
- (D) [7301](#) Fleur Drive, Unit 31.

24. [Purchase](#) from Electric Pump & Tool Services, Inc. (Tom Miller, President) for Flygt pump repair parts and services at storm and sanitary pump stations, additional amount \$50,000.

([Council Communication No. 23-044](#))

25. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 23 and January 30, 2023; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 23 and January 30, 2023; to draw checks for biweekly payroll due January 27, 2023.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 26 THRU 31)

26. [On](#) vacation of Allen Park as parkland due to the Des Moines River Levee Alterations Project – Phase C, located along the Des Moines River at 800 SE 6th Street.

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Ben Page, Parks and Recreation Director), requires six votes.
- (C) [On](#) naming of dedicated parkland located in the vicinity of SE 5th Street and E. Titus Avenue as Allen Park.

27. [Dismissing](#) hearing on In-Building Lease and Agreement with USCOC of Greater Iowa, LLC (US Cellular) for wireless communication equipment within Municipal Services Center Phase 2.
28. [On](#) Second Amendment to lease of the A.H. Blank Park Zoo to the Blank Park Zoo Foundation, Inc.

[\(Council Communication No. 23-040\)](#)

29. [On](#) Fifth Amendment to lease of the Des Moines Botanical Center to the Greater Des Moines Botanical Garden Corporation.

[\(Council Communication No. 23-039\)](#)

- (A) [First](#) Amendment to Amended and Restated Urban Renewal Development Agreement with the Greater Des Moines Botanical Garden.
30. [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.
 - (A) [Dedicating](#) additional Fleur Drive right-of-way as part of the Airport Cowles Drive Reconstruction – Phase 2 project.
31. [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.

END HEARINGS AT _____PM

ORDINANCES SECOND CONSIDERATION

32. [Rezone](#) 810 E. Euclid Avenue 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) [Final](#) consideration of ordinance above (waiver requested by Dennis Flora, President Git-N-Go), requires six votes.

ORDINANCES FIRST CONSIDERATION

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

([Council Communication No. 23-037](#))

- (A) Prohibition of turns on red on Grand Avenue at 9th Street – westbound left turn.
- (B) Code modification on 5th Avenue from Watson Powell Jr. Way to School Street.

34. [Amending](#) Chapter 2 of the Municipal Code relating to procurement by increasing the dollar value of contracts for goods and services that are administratively approved, revising the bid and request for proposal processes to utilize online bidding and proposal platforms(s), and to delete requirement for public openings of sealed bids and proposals in response to request for proposal.

([Council Communication No. 23-047](#))

- (A) [Final](#) consideration of ordinance above (waiver requested by Nick Schaul, Finance Director), requires six votes.

COMMUNICATIONS/REPORTS

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

- (A) Adam Callanan
- (B) Anna Noel
- (C) Lori Ann Young
- (D) Harvey Harrison
- (E) Jolene Prescott

MOTION TO ADJOURN.

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