

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

March 27, 2023
5:00 PM

PROCLAMATION – 4:50 P.M.

Fair Housing Month

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 52:

***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)	4H BUILDING	3000 E GRAND AVE #021	Class C Liquor
(B)	EL SALVADORENO	1234 E EUCLID AVE	Class C Liquor
(C)	PANKA PERUVIAN	3018 FOREST AVE	Class C Liquor
(D)	PAVILION	3000 E GRAND AVE #4	Special Class C

RENEWAL APPLICATIONS

(E)	BEST TRIP	1516 SE 1ST ST	Class E Liquor
(F)	BIG DOG BILLIARDS	4510 E 14TH ST	Class C Liquor
(G)	CHICAGO SPEAKEASY	1520 EUCLID AVE	Class C Liquor
(H)	DOLLAR GENERAL #13292	3102 MERLE HAY RD	Class B Retail
(I)	DOLLAR GENERAL #4554	1020 E ARMY POST RD	Class B Retail
(J)	DOLLAR GENERAL #4991	3223 SE 14TH ST	Class B Retail
(K)	DOLLAR GENERAL #6077	221 63RD ST	Class B Retail
(L)	DOLLAR GENERAL #6725	1428 E OVID AVE	Class B Retail

7. Items regarding the Guthrie Avenue Bridge Rehabilitation over the Union Pacific Railroad project:

- (A) [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement number 1-22-STPU-042 for the Guthrie Avenue Bridge Rehabilitation over the Union Pacific Railroad, which rescinds Iowa Department of Transportation Agreement number 1-21-STBG-SWAP-017.

[\(Council Communication No. 23-139\)](#)

- (B) [Authorization](#) to proceed with acquisition of the necessary property interests for the Guthrie Avenue Bridge Rehabilitation over Union Pacific Railroad.

[\(Council Communication No. 23-142\)](#)

8. [Acceptance](#) of a proposal from MidAmerican Energy Company to remove existing utility poles and relocate overhead utilities underground for E. 4th Street Reconstruction from E. Martin Luther King Jr. Parkway to E. Market Street, estimated cost \$309,041.54.

[\(Council Communication No. 23-141\)](#)

9. [Approving](#) Professional Services Agreement with McClure Engineering Co. d/b/a McClure Engineering Company for professional services for the Birdland Sports Complex Improvements, not to exceed \$145,453.

[\(Council Communication No. 23-135\)](#)

10. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Bolton & Menk, Inc. for additional design services for the 2025 Neighborhood Sidewalk Program, not to exceed \$45,000.

[\(Council Communication No. 23-138\)](#)

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

12. [Accepting](#) completed construction and approving final payment for 2021 HMA Residential Paving Program Contract 2, Grimes Asphalt and Paving Corporation.

SPECIAL ASSESSMENTS

13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2023-02.
14. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2023-03.

LAND/PROPERTY TRANSACTIONS

15. [Accepting](#) PUD restoration bond for grading work at Gray's Station Plat 5, **continued from March 6, 2023 Council meeting.**
[\(Council Communication No. 23-152\)](#)
16. [Approving](#) final subdivision plat for Three Lakes Estates Plat 9.
[\(Council Communication No. 23-148\)](#)
17. [Approving](#) 14 tax abatement applications for the additional value added by improvements completed in 2022.
[\(Council Communication No. 23-147\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. [Recommendation](#) from Council Member Westergaard to appoint Georgia Martin to the Greater Des Moines Sister Cities Commission, Seat 11, to fill a vacancy with a term expiring April 28, 2026.
19. [Recommendation](#) from Council Member Gatto to appoint Kathleen McDonnell to the Des Moines Civil and Human Rights Commission, Seat 7, commencing on April 1, 2023, with term expiring March 31, 2025.
20. [Recommendation](#) from Mayor T.M. Franklin Cownie to reappoint Diane Munns to the Board of Water Works Trustees, Seat 2, for a six-year term commencing April 1, 2023, expiring March 31, 2029.
21. [Recommendation](#) from Council Member Westergaard to reappoint Tiffany Allison to the Historic Preservation, Seat 8, expiring October 17, 2025.
22. [Recommendation](#) from Council Member Westergaard to reappoint Rush Wyckoff to the Building and Fire Code Board of Appeals, Seat 12, with a term expiring March 31, 2026.

23. [Communication](#) from Nathan Blake advising of his resignation from the Zoning Board of Adjustment, Seat 1, effective April 1, 2023.

COMMUNICATIONS FROM PLANNING AND ZONING

24. [Regarding](#) request for review and approval of the Preliminary Plat “Gray’s Station Plat 5” in the vicinity of 1300 Tuttle Street, which would allow for the development of 65 one-household residential lots, one lot containing 2 condo buildings for a total of 84 residential units, a clubhouse amenity building, and two outlots, **continued from March 6, 2023 Council meeting.**

SETTING DATE OF HEARINGS

25. [On](#) conveyance of a portion of vacated 41st Street located east of and adjoining 4126 Ingersoll Avenue to Plymouth Congregational Church Foundation, \$90,890, (4-10-23).
26. [On](#) conveyance of a portion of vacated alley right-of-way located east of and adjoining 835 41st Street to Sarah J. McCurdy, (4-10-23).
27. [On](#) request from Chasing Waterfalls, LLC (Christopher Thompson, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for Business Park to Industrial and to rezone the two (2) lots located on the west half of the property at 2215 Sunset Road from “EX” Mixed Use District to Limited “I1” Industrial District to allow outdoor storage for a landscaping business, (4-10-23).
28. [On](#) request from TB Building, LLC (Stephen Roney, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Business Park, and to rezone 1202 Thomas Beck Road from “NX1” Neighborhood District to “EX” Mixed Use District to allow multiple uses, including a religious assembly, fabrication and production, and office, (4-10-23).
29. [On](#) request from Park Indy, LLC (Abbey Gilroy, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential within a Neighborhood Node to Community Mixed Use within a Neighborhood Node and to rezone the property located in the vicinity of 3140 Indianola Avenue from “NM” Neighborhood District to “NX2” Neighborhood Mix District to allow redevelopment of the property with multiple-household residential units, (4-10-23).
30. [On](#) approval of a License Agreement with the Des Moines Area Regional Transit Authority (DART) for bus benches in street right-of-way, (4-10-23).

31. On items regarding the budget, (4-10-23):

[\(Council Communication No. 23-153\)](#)

- (A) [Adoption](#) of the Capital Improvement Program (CIP) for fiscal year (FY) 2023-24 through FY 2026-27.
- (B) [On](#) amendment to the annual budget for current fiscal year ending June 30, 2023.
- (C) [On](#) proposed budget for the fiscal year ending June 30, 2024.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

32. [Approving](#) payment to Randy Moore for a workers' compensation claim.

CITY MANAGER COMMUNICATIONS

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

[\(Council Communication No. 23-158\)](#)

APPROVING

~~34. Items related to OpenLoop Health, Inc.:~~

~~[\(Council Communication No. 23-162\)](#)~~

- ~~(A) [Iowa](#) Economic Development Authority (IEDA) contract under the High Quality Jobs (HQJ) Program.~~
- (B) [Development](#) Agreement.

35. [Economic](#) development grant of \$25,000 for Native Business Services, LLC for required site plan improvements at 1111 E. Army Post Road.

[\(Council Communication No. 23-160\)](#)

36. [Preliminary](#) terms of an Urban Renewal Development Agreement with HOA Development, LLC for the construction of a 186-unit mixed-use apartment building located at 603 E. 6th Street.

[\(Council Communication No. 23-161\)](#)

37. Number not used.
38. [ARPA](#) funding agreement with Wesley Community Services, Inc. (Meals on Wheels) to assist Des Moines residents facing food insecurity.

[\(Council Communication No. 23-164\)](#)
39. [ARPA](#) funding agreement with Homeward Iowa.

[\(Council Communication No. 23-134\)](#)
40. [2022](#) Certified Local Government Annual Report and submittal to the Iowa Department of Cultural Affairs.
41. [Senior](#) Bond Issuance Certificate of Des Moines Metropolitan Wastewater Reclamation Authority Participating Community.
42. [Change](#) Order No. 2 with Cale America, Inc. d/b/a Flowbird for the purchase of additional multi-space meter pay stations and space markers for expansion of the on-street parking system, \$114,150.

[\(Council Communication No. 23-155\)](#)
43. [Updated](#) Neighborhood Traffic Calming Program guidelines.

[\(Council Communication No. 23-150\)](#)
44. [Appointment](#) of Reagan E. Peterson as an Assistant City Attorney I to fill a vacancy within the Legal Department.
45. [City](#) of Des Moines to enter into proposed agreements involving the national opioid settlements with two pharmaceutical manufacturers, Teva and Allergan and three pharmacies, CVS, Walgreens, and Walmart.
46. [Communication](#) from the Greater Des Moines Partnership on behalf of the Downtown Farmers' Market, requesting approval of placement for up to 30 banners to be displayed on banner poles in downtown Des Moines beginning the first week of May 2023.
47. [Communication](#) from the Greater Des Moines Partnership on behalf of the University of Iowa requesting approval of placement for up to 30 banners to be displayed on banner poles in downtown Des Moines beginning the first week of May 2023.
48. [Communication](#) from the Greater Des Moines Partnership on behalf of the Capital City Pride requesting approval of placement for up to 60 banners to be displayed on banner poles in downtown Des Moines beginning the first week of June 2023.

49. Abatement of public nuisance as follows:

- (A) [1520](#) 17th Street.
- (B) [1611](#) 22nd Street.
- (C) [1544](#) Dean Avenue.
- (D) [345](#) Hartford Avenue.

50. Communication of fire escrow at the following locations:

- (A) [1019](#) West Street.
- (B) [4](#) E. Broad Street.
- (C) [729](#) Boyd Street, release.

51. [Purchase](#) from Safeware Inc. (Edward A. Simons, President) of thermal imaging binoculars and scopes utilizing State of Iowa contract and awarded funding as requested by the Police Department, \$191,549.17.

[\(Council Communication No. 23-140\)](#)

52. [Authorizing](#) Finance Director to draw checks on registers for the weeks of March 27 and April 3, 2023; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 27 and April 3, 2023; to draw checks for biweekly payroll due April 7, 2023.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 53 THRU 70)

53. [Dismiss](#) hearing on conveyance of excess City property locally known as 1439 and 1445 Michigan Street to TD & MD, LLC, \$40,000 **continued from March 6 Council meeting.**

54. [On](#) conveyance of a portion of vacated 41st Street located east of and adjoining 545 42nd Street by installment contract to St. Augustin’s Church of Des Moines, \$73,000.

[\(Council Communication No. 23-151\)](#)

55. [Regarding](#) request from Westco Hull, LLC (Derek West, Officer) for property located at 2101 Hull Avenue to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for the eastern portion of the property from Low Density Residential to Industrial, and to rezone the property from “I1” Industrial District and “N3a” Neighborhood District to Limited “I1” Industrial District to allow use of the property for a use that includes office and industrial components.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
56. [On](#) request from Penske Truck Leasing Company, LP (Guy Holbert, Officer) for property located at 4101 E. 14th Street, to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for approximately 1.03 acre of the western portion of the property from Community Mixed Use to Industrial and to rezone the entire property from “MX3-V” Mixed Use District to “I1” Industrial District, to allow the expansion and site improvements for the existing truck parking facility.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
57. [On](#) request from WC MRP Des Moines Center, LLC (Natin Paul, Officer) for review and approval of a first amendment to the Southdale PUD Conceptual Plan at 4900 SE 14th Street to allow expansion of a retail use (Home Depot) to include additional outdoor display and merchandising in the parking lot, **continued from the March 6, 2023 Council meeting.**
58. [On](#) request from Hubbell Realty Company (Caleb Smith, Officer) for review and approval of a first amendment to the Gray’s Station PUD Conceptual Plan for property located in the vicinity of 1300 Tuttle Street to update the realignment of SW 13th Street and to revise review requirements for future PUD Development site plans, **continued from March 6, 2023 Council meeting.**
59. [On](#) requests from Hubbell Realty Company (Caleb Smith, Officer) for review and approval of PUD final development plan for “Grays Station Telus Condos” for property located in the vicinity of 1300 Tuttle Street to allow development of the property with the construction of two condo buildings containing 84 residential units, **continued from March 6, 2023 Council meeting.**

60. [On](#) request from Hubbell Realty Company (Caleb Smith, Officer) for review and approval of the PUD final development plan for “Gray’s Station Plat 5 Townhomes and Clubhouse” for property located in the vicinity of 1300 Tuttle Street to allow for construction of 65 townhomes and a clubhouse amenity building, **continued from March 6, 2023 Council meeting.**
61. [On](#) request from Twenty-Five Thirteen Woodland, LLC (Steve Wilke-Shapiro, Officer) for designation of the property at 2513 Woodland Avenue, including a commercial structure, as a Local Landmark named “Harlan’s Barbershop” and Issuance of Certificate of Appropriateness for proposed exterior alterations.
62. [On](#) request from Fort Des Moines Memorial Park, Inc (Jack Porter, Officer) for designation of the property at 75 E. Army Post Road, including Clayton Hall Museum and Chapel, as a Local Landmark named “ Fort Des Moines Memorial Park.”
63. [On](#) approval of the 2022 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER).

[\(Council Communication No. 23-146\)](#)

64. [On](#) a proposed amendment to the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Public/Semi-Public to Downtown Mixed Use for the area bound by Pennsylvania Avenue on the west, Des Moines Street on the south, E. 9th Street on the east, and the freeway (I-235) on the north in the proposed Upper East Village Urban Renewal Area.

[\(Council Communication No. 23-159\)](#)

65. [On](#) the proposed Urban Renewal Plan for the Upper East Village Urban Renewal Area, **continued from March 6, 2023 Council Meeting.**

[\(Council Communication No. 23-159\)](#)

66. [On](#) 2023-2024 HMA Pavement Scarification and Resurfacing: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as InRoads, LLC (Joseph J. Manatt, CEO), \$251,180.

[\(Council Communication No. 23-149\)](#)

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

67. [On](#) 2023 HMA Residential Paving Program Contract 1 - LOSST: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Grimes Asphalt and Paving Corporation (Timothy Mallicoat, President), \$1,051,150.78.

[\(Council Communication No. 23-143\)](#)

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

68. [On](#) 4th & Grand Parking Garage Skywalk Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Bergstrom Construction, Inc. (Tom Gorgas, President), \$199,999.

[\(Council Communication No. 23-137\)](#)

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

69. [On](#) New York Avenue from 44th Street to 45th Street Reconstruction: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as MPS Engineers, PC d/b/a Kingston Services, PC (Umesh G. Shetye, President), \$367,739.

[\(Council Communication No. 23-156\)](#)

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

70. [On](#) Tuttle Street Construction from SW 12th Street to SW 14th Street: 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), \$1,246,190.

[\(Council Communication No. 23-136\)](#)

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

END HEARINGS at _____ PM

APPROVING II

71. [Donation](#) and Naming Agreements for Des Moines North Side Community Recreation Center, approving naming of portions of the Center, and authorizing City Manager to determine effective date of such naming.

([Council Communication No. 23-145](#))

ORDINANCES - FIRST CONSIDERATION

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

([Council Communication No. 23-157](#))

- (A) Parking Restriction – 62nd Street between Boston Avenue and Douglas Avenue.
- (B) Parking Restriction – State Avenue between E. 29th Street and E. 30th Street.
- (C) Parking Restriction – Hull Avenue between E. 39th Street and E. 40th Street.

COMMUNICATIONS/REPORTS

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

- (A) Ruth Thompson
- (B) Adam Callanan

MOTION TO ADJOURN.

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