

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

**April 10, 2023**  
**5:00 P.M.**

**PROCLAMATION – 4:55 P.M.**

**No Mow May**

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 54:

**\*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) DM BIERGARTEN	2251 GEORGE FLAGG	Special Class C
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**RENEWAL APPLICATIONS**

(B) ALPINE TAP ROOM	2720 INGERSOLL AVE	Class C Liquor
(C) CAPITAL CITY MOOSE	2515 WEDGEWOOD RD	Class F Retail
(D) CASEYS #3953	3121 FOREST AVE	Class E Liquor
(E) CASEYS #4026	3401 INGERSOLL AVE	Class B Retail
(F) DJANGO (BANQUET)	1430 LOCUST ST	Class C Liquor
(G) DOLLAR GENERAL #21816	604 LOCUST ST #104	Class B Retail
(H) EL POLLO CATRACHO	4100 SE 14TH ST	Class C Liquor
(I) GERRIS	232 E 30TH ST	Class C Liquor
(J) GIT N GO STORE #5	2700 INDIANOLA AVE	Class B Retail
(K) GREENWOOD LOUNGE	3707 INGERSOLL AVE	Class C Liquor
(L) HARBINGER	2724 INGERSOLL AVE	Class C Liquor
(M) HELLO MARJORIE	717 LOCUST ST #A	Class C Liquor
(N) LA RANCHERITA	1106 ARMY POST RD	Class C Liquor

- (O) TACOS LA FAMILIA                      1610 6TH AVE                      Class C Liquor
- (P) WORLD LIQUOR                              3200 SE 14TH ST                      Class E Liquor

**SPECIAL EVENT APPLICATIONS**

- (Q) APRES BAR CO                              120 E 5TH ST                              5 days  
CLASS C LIQUOR LICENSE FOR A WEDDING ON APRIL 29, 2023.
- (R) TOWNSQUARE LIVE                              730 3RD ST                              5 days  
CLASS C LIQUOR LICENSE FOR 2023 DES MOINES ON TAP EVENT ON  
APRIL 29, 2023.

**OUTDOOR SERVICE APPLICATION**

- (S) PEGGYS TAVERN                              3020 FOREST AVE  
TEMPORARY FOR DRAKE RELAYS ON APRIL 23 – 30, 2023

- 4I [Consideration](#) of 5-day Special Class C Liquor License (Beer/Wine) for Great Caterers of Iowa for Ronald McDonald House fundraiser on April 20, 2023. Sponsor: Mayor Cownie.
- 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

**PUBLIC IMPROVEMENTS**

- 6. Ordering construction of the following:
  - (A) [Carlisle](#) Multi-Use Trail Connection: Receiving of bids, (4-18-23) and Setting date of hearing, (5-8-23), Engineer’s estimate, \$2,833,501.05.  
  
([Council Communication No. 23-179](#))
  - (B) [McHenry](#) Park and Sheridan Park Improvements: Receiving of bids, (4-25-23) and Setting date of hearing, (5-8-23), Engineer’s estimate, \$270,000.  
  
([Council Communication No. 23-178](#))
  - (C) [SW](#) 63<sup>rd</sup> Street Resurfacing from Willow Creek Drive to Dead End North: Receiving of bids, (4-25-23) and Setting date of hearing, (5-22-23), Engineer’s estimate, \$370,000.  
  
([Council Communication No. 23-183](#))
  - (D) [North](#) Valley Drive and Grand Avenue Sidewalk and Railroad Crossing Improvements: Receiving of bids, (4-25-23) and Setting date of hearing, (5-8-23), Engineer’s estimate, \$365,000.  
  
([Council Communication No. 23-184](#))

- (E) [Riverview](#) Restroom Facility: Receiving of bids, (5-9-23) and Setting date of hearing, (5-22-23), Engineer’s estimate, \$495,000.

[\(Council Communication No. 23-186\)](#)

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

**SPECIAL ASSESSMENTS**

- 8. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2023-04.
- 9. [Deletion](#) of NAC – Emergency Assessment at 2070 Lyon Street.
- 10. [Deletion](#) of rental inspection assessment at 3108 Martin King Jr Parkway.

**COMMUNICATIONS FROM PLANNING AND ZONING**

- 11. [Regarding](#) request from George M. Clayton (owner) for vacation of surface rights-of-way adjoining property in the vicinity of 1601 E. Grand Avenue, to allow the encroachment of an existing staircase within the E. 16th Street right-of-way.
- 12. [Regarding](#) request from DUUNTO LLC (Adam Sieren, Officer) for review and approval of a Major Preliminary Plat “Elevate Townhomes” for property located at 508 Indianola Road for development of 11 one-household residential lots.

**SETTING DATE OF HEARINGS**

- 13. [On](#) request from Archer-Daniels-Midland Company (Mike Kuntz, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Industrial and Parks and Open Space to Industrial and to rezone the property located in the vicinity of 1935 E. Euclid Avenue from “F” Flood District and “I2” Industrial District to Limited “I2” Industrial District, to allow an addition to an existing structure and other improvements, (4-24-23).
- 14. [On](#) request from Noel Fernandez (Owner) 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 2021 Clark Street from “N5” Neighborhood District to Limited “N5-2” Neighborhood District, to allow reuse of the existing structure for a duplex use, (4-24-23).

15. [On](#) request from Des Moines Community Playhouse (David Kilpatrick, Officer) for review and approval of a 2nd amendment to the Des Moines Community Playhouse PUD Conceptual Plan on the property located at 831 42nd Street to allow the construction of a 2,700-square foot building addition with associated utilities, parking, and drives within the PUD, (4-24-23).
16. [On](#) request from JW Congregation Support Inc. (Archie Malone, Officer) for review and approval of a 2nd amendment to the Airport Crossroads PUD Conceptual Plan on the property located at 7700 Fleur Drive to allow construction of a Place of Worship with asphalt shingles and composite lap siding building materials which are prohibited within the PUD, (4-24-23).
17. [On](#) the proposed Fourteenth Amendment to the Urban Renewal Plan for the SE Agribusiness Urban Renewal Area, (5-22-23).

[\(Council Communication No. 23-190\)](#)

18. [On](#) the proposed Sixth Amendment to the Urban Renewal Plan for the Southside Economic Development District Urban Renewal Area, (5-22-23).

[\(Council Communication No. 23-191\)](#)

19. [On](#) the proposed Eleventh Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area, (5-22-23).

[\(Council Communication No. 23-188\)](#)

20. [On](#) the proposed Fourth Amendment to the Urban Renewal Plan for the Merle Hay Commercial Urban Renewal Area, (5-22-23).

[\(Council Communication No. 23-189\)](#)

21. [On](#) the proposed Thirty-Second Amendment to the Urban Renewal Plan for the Metro Center Urban Renewal Area, (5-22-23).

[\(Council Communication No. 23-187\)](#)

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

22. [Approving](#) payment to Steve and Diane Foley for a property damage claim.

## APPROVING

23. [Subordination](#) agreement of existing HOME Investment Partnership Program (HOME) Mortgage on 1211 Forest Avenue to Central Bank Construction Loan to Home Opportunities Made Easy (HOME, Inc.).

[\(Council Communication No. 23-169\)](#)

24. Items related to OpenLoop Health, Inc.:

[\(Council Communication No. 23-195\)](#)

- (A) [Authorizing](#) City Manager to negotiate and execute an economic development assistance contract between OpenLoop Health, Inc. and the Iowa Economic Development Authority (IEDA).

- (B) [Development](#) Agreement.

25. [First](#) Amendment to Urban Renewal Development Agreement with OneSpeed DSM, LLC in the Metro Center Urban Renewal Area.

[\(Council Communication No. 23-196\)](#)

26. [Issuance](#) of Certificate of Completion to Tree House Partners, LLC for 2315 Grand Avenue for the historic redevelopment of three buildings.

27. [Round](#) three Neighborhood Commercial Revitalization Program funding, and authorizing execution of agreements with NCR Program round three funding recipients.

[\(Council Communication No. 23-192\)](#)

28. [Grant](#) agreement with William C. Knapp, LC for a sewer improvement project at 2901 E. Euclid Ave.

[\(Council Communication No. 23-193\)](#)

29. [Intergovernmental](#) 28E Agreement between the cities of Des Moines, Alleman, Altoona, Bondurant, Carlisle, Elkhart, Grimes, Indianola, Johnston, Mitchellville, Norwalk, Pleasant Hill, Polk City, West Des Moines, Windsor Heights, and the county of Polk for the partial funding of Homeland Security Services within the metropolitan area.

[\(Council Communication No. 23-165\)](#)

30. [Authorizing](#) City Manager to negotiate and execute a Grant Agreement with Alley Landing Limited Partnership for construction of a new affordable housing project.

[\(Council Communication No. 23-194\)](#)

31. [American](#) Rescue Plan Act (ARPA) Funding Agreement with Bravo Greater Des Moines for general operations.

[\(Council Communication No. 23-197\)](#)

32. [American](#) Rescue Plan Act (ARPA) Funding Agreement with Homes of Oakridge Human Services, Inc. (Oakridge Neighborhood Services) to implement a summer youth employment and career exploration program.

[\(Council Communication No. 23-198\)](#)

33. [American](#) Rescue Plan Act (ARPA) Funding Agreement with Urban Dreams for a summer youth program.

[\(Council Communication No. 23-200\)](#)

34. [American](#) Rescue Plan Act (ARPA) Funding Agreement with Boys & Girls Clubs of Central Iowa, Inc. for a summer youth cleanup program.

[\(Council Communication No. 23-199\)](#)

35. [American](#) Rescue Plan Act (ARPA) funding agreement with Iowa Homeless Youth Center (IHYC) for their behavioral health counseling and therapy program.

[\(Council Communication No. 23-172\)](#)

36. [Receive](#) and file communication from the Beaverdale SSMID Board regarding the levy for the Beaverdale Self-Supported Municipal Improvement District (SSMID).

[\(Council Communication No. 23-173\)](#)

37. [Receive](#) and file communication from the Highland Park SSMID Board regarding the levy for the Highland Park Self-Supported Municipal Improvement District (SSMID).

[\(Council Communication No. 23-173\)](#)

38. [Receive](#) and file communication from the Roosevelt Cultural District SSMID Board regarding the levy for the Roosevelt Cultural District Self-Supported Municipal Improvement District (SSMID).

[\(Council Communication No. 23-173\)](#)

39. [Receive](#) and file communication from the Sherman Hill SSMID Board regarding the levy for the Sherman Hill Self-Supported Municipal Improvement District (SSMID).

[\(Council Communication No. 23-173\)](#)

40. [Budget](#) for the Ingersoll-Grand Self-Supported Municipal Improvement District for the fiscal year ending June 30, 2024.

[\(Council Communication No. 23-173\)](#)

41. [Budget](#) for the SW 9<sup>th</sup> Corridor Self-Supported Municipal Improvement District for the fiscal year ending June 30, 2024.

[\(Council Communication No. 23-173\)](#)

42. [Budget](#) for the Downtown Self-Supported Municipal Improvement District for the fiscal year ending June 30, 2024.

[\(Council Communication No. 23-173\)](#)

43. [Submittal](#) of Center Street Park and Ride Facility Annual Budget to Des Moines Area Regional Transit Authority (DART) and authorization of budget expenditures.

[\(Council Communication No. 23-173\)](#)

44. [Reallocation](#) of expenditures authorized for the disbursement of funds provided under the American Rescue Plan Act (ARPA).

[\(Council Communication No. 23-173\)](#)

45. [Fund](#) transfer resolution of the City of Des Moines (FY 2024).

[\(Council Communication No. 23-173\)](#)

46. [Fund](#) transfer resolution of the City of Des Moines (FY 2023).

[\(Council Communication No. 23-173\)](#)

47. [Acceptance](#) of offer of principal forgiveness award in the amount of \$1,000,000 on Sewer Revenue Capital Loan Notes, Series 2022C.

48. [Communication](#) from the Greater Des Moines Partnership on behalf of the Downtown Farmer's Market requesting approval of placement for up to 60 banners to be displayed on banner poles in downtown Des Moines beginning the first week of May 2023.

49. Abatement of public nuisance as follows:

- (A) [1083](#) 22<sup>nd</sup> Street.
- (B) [1940](#) Easton Boulevard.

50. [Purchase](#) from Landscape Structures Inc. (LSI) c/o Outdoor Recreation Products (Steve King, Founder) for playground equipment for McHenry Park per National Cooperative Purchasing Alliance contract, and authorizing negotiation and execution of supplemental agreement with Landscape Structures Inc., \$186,202.

[\(Council Communication No. 23-167\)](#)

51. [Purchase](#) from Kaldenbergs PBS Landscaping and Lawncare (Matt Kaldenberg, President) for mowing, trimming and grass clean-up on nuisance properties for use by the Neighborhood Services Department, \$110,000. (Three (3) compliant bids received.)

52. [Purchase](#) from MacQueen Equipment, Inc. (Dan Gage, President/CEO) for one (1) additional sub-compact mini sweeper per Sourcewell Contract for use by the Public Works and Parks and Recreation Departments, \$161,385.

[\(Council Communication No. 23-175\)](#)

53. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 10 and 17, 2023; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 10 and 17, 2023; to draw checks for biweekly payroll due April 21, 2023.

## **ORDINANCES - SECOND CONSIDERATION**

54. [Amending](#) Chapter 114 of the Municipal Code regarding Parking Restriction – 62nd Street between Boston Avenue and Douglas Avenue.

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

## **HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 55 THRU 66)**

55. [On](#) conveyance of a portion of vacated 41<sup>st</sup> Street located east of and adjoining 4126 Ingersoll Avenue to Plymouth Congregational Church Foundation, \$90,890.

[\(Council Communication No. 23-181\)](#)



56. [On](#) conveyance of a portion of vacated alley right-of-way located east of and adjoining 835 41<sup>st</sup> Street to Sarah J. McCurdy.
57. [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.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
58. [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. **(Choose one alternative below)**
- (A) **Approve.**
1. [First](#) consideration of ordinance above.
  2. [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

**OR**

- (B) **Deny.**
59. [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.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

60. On request from WC MRP Des Moines Center, LLC (Natin Paul, Officer) for review and approval of a 1st 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 27, 2023 Council meeting.**

61. On approval of a License Agreement with the Des Moines Area Regional Transit Authority (DART) for bus benches in street right-of-way.

[\(Council Communication No. 23-180\)](#)

62. On reprogramming of prior year's unspent Community Development Block Grant (CDBG) Funds, a substantial amendment to the 2023 Action Plan with the U.S. Department of Housing and Urban Development (HUD) under the 2020-2024 Consolidated Plan.

[\(Council Communication No. 23-170\)](#)

63. On consideration of the recommended Capital Improvement Program (CIP) for fiscal years 2023-24 through 2026-27.

[\(Council Communication No. 23-173\)](#)

64. On amendment to the annual budget for current fiscal year ending June 30, 2023.

[\(Council Communication No. 23-173\)](#)

65. On proposed budget for the fiscal year ending June 30, 2024.

[\(Council Communication No. 23-173\)](#)

66. On 2023 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as B.T. Construction, LLC (Barret Tucker, Owner), \$356,975.

[\(Council Communication No. 23-182\)](#)

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

\*\*\*END HEARINGS AT \_\_\_\_\_ P.M.\*\*\*

## APPROVING

67. [Donation](#) Agreement with Des Moines Parks and Recreation Foundation for Evelyn K. Davis Park Basketball Court Improvements project.

[\(Council Communication No. 23-166\)](#)

## ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 23-185\)](#)

- (A) Parking Modification – 12th Street between Keosauqua Way and Crocker Street.
- (B) Corner Clearance Parking Restrictions.
  - (1) 11th Street and Garden Avenue.
  - (2) Fleming Avenue and Lower Beaver Road.
- (C) Parking Modification – the North Side of Grand Avenue between 17th Street and 18th Street.

69. [Amending](#) Chapter 90 of the Municipal Code regarding Housing Services Board members.

[\(Council Communication No. 23-171\)](#)

70. [Amending](#) Chapter 94 of the Municipal Code relating to public improvement bids pursuant to Iowa Code Chapter 26 and amending Chapter 2 of the Municipal Code relating to an exception for Iowa Code Chapter 26A from the definition of services.

[\(Council Communication No. 23-177\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Engineering Department), requires six votes.
- (B) [Authorizing](#) issuance of a Notice of Intent to Enter into a Guaranteed Maximum Price Contract Pursuant to Iowa Code Chapter 26A for the Des Moines Fire Station No. 4 Replacement and authorization for staff to proceed pursuant to Iowa Code Chapter 26A.

[\(Council Communication No. 23-176\)](#)

## COMMUNICATIONS/REPORTS

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

- (A) Carolyn Uhlenhake Walker
- (B) Thomas Rosburg

## MOTION TO ADJOURN.

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