

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

**April 24, 2023  
5:00 PM**

**I. CLOSED SESSION – 4:00 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.

\* \* \* \* \*

**SPECIAL PRESENTATION – 4:45 P.M.**

Grand View Thunder

**PROCLAMATIONS – 4:50 P.M.**

Arbor Day

Law Day

**1. ROLL CALL:**

- I. Amending the Procedural Rules of the City Council.

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) ARTISANAL FOOD COMPANY	2801 FLEUR DR	Class C Liquor
(B) DEEP SUPERMARKET	5900 SE 14TH ST	Class B Retail
(C) OLIVE GARDEN	6157 SE 14TH ST	Class C Liquor
(D) RMF INC	4051 DEAN AVE	Class C Liquor
(E) SANDS VOLLEYBALL CLUB	6214 GRAND AVE	Class C Liquor

### RENEWAL APPLICATIONS

(F) 14TH STREET TAVERN	3418 E 14TH ST	Class C Liquor
(G) ALLORA	1459 GRAND AVE	Class C Liquor
(H) BARATTAS RESTAURANT	2320 S UNION	Class C Liquor
(I) BEST FOOD MART	4028 E 14TH ST	Class E Liquor
(J) BLISS NAILS & BAR	208 4TH ST	Class C Liquor
(K) BROKEN SPOKE BAR & GRILL	3925 E 14TH ST	Class C Liquor
(L) CHEESE BAR	2925 INGERSOLL	Class C Liquor
(M) DES MOINES MARRIOTT HOTEL	700 GRAND AVE	Class C Liquor
(N) EMBASSY SUITES HOTEL	101 E LOCUST ST	Class C Liquor
(O) FRANKA PIZZERIA	111 E GRAND AVE	Class C Liquor
(P) HAMPTON INN DES MOINES AIRPORT	5001 FLEUR DR	Class B Retail
(Q) JOHNNYS HALL OF FAME	302 COURT AVE	Class C Liquor
(R) PURA SOCIAL CLUB	660 E 5TH ST	Class C Liquor
(S) SCORNOVACCAS RISTORANTE	1930 SE 14TH ST	Class C Liquor
(T) THAI FLAVOR	2301 INGERSOLL	Class C Liquor
(U) THIRSTY SPORTSMAN	4808 SW 9TH ST	Class C Liquor
(V) WICKED RABBIT	1101 ARMY POST	Class C Liquor

### SPECIAL EVENT APPLICATIONS

(W) APRES BAR CO	120 E 5TH ST	5 days
CLASS C LIQUOR LICENSE FOR CAMPING THE NIGHT AWAY ON MAY 11, 2023.		

- (X) FIELDHOUSE 2725 FOREST AVE 5 days  
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR DRAKE RELAYS  
ON APRIL 26, 2023.
- (Y) IMPALA BALLROOM 2251 GEORGE FLAGG 5 days  
CLASS C LIQUOR LICENSE FOR GRUPO FRONTERA CONCERT ON APRIL  
29 OR 30 (RAIN DATE), 2023.
- (Z) JRS SOUTHPORK RANCH 3000 E GRAND AVE 5 days  
CLASS C LIQUOR LICENSE FOR BACONFEST ON MAY 12 - 13, 2023
- (AA) MARKET TO MARKET RELAY SHINDIG 252 E 3RD ST 5 days  
CLASS C LIQUOR LICENSE FOR STREET PARTY ON MAY 20, 2023.
- (BB) SA PRESENTS 2251 GEORGE FLAGG 5 days  
CLASS C LIQUOR LICENSE FOR CONCERTS ON MAY 5 - 6, 2023.
- (CC) THIRSTY PIGS 1149 28TH ST 5 days  
CLASS C LIQUOR LICENSE FOR DRAKE UNIVERSITY BLACK ALUMNI  
REUNION BLOCK PARTY ON APRIL 29, 2023.
- (DD) THIRSTY PIGS 2719 FOREST AVE 5 days  
CLASS C LIQUOR LICENSE FOR DRAKE ALUMNI EVENT ON APRIL 28,  
2023.
- (EE) YOUR PRIVATE BAR 3000 E GRAND AVE 5 days  
CLASS C LIQUOR LICENSE FOR A WEDDING ON MAY 6, 2023.
- (FF) YOUR PRIVATE BAR 700 LOCUST 5 days  
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR AN EVENT MAY 4,  
2023.
- 4-I Approving new Class C Liquor License for Smoking Goat Pub at 3015 Merle Hay Road,  
Suite 1. Pending approval of Building and Zoning Departments. Sponsor: Mayor Cownie.
5. [Consideration](#) of new Class C Liquor License for Nightingale Cocktail, 435 E. Grand  
Avenue. **City Manager recommends denial.**
6. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.
7. [City](#) Clerk to issue Coin Operated Machine Licenses.

## **PUBLIC IMPROVEMENTS**

8. [Approving](#) exception to Request for Proposal process for good cause and approving Professional Services Agreement with Bolton & Menk, Inc. for design services for the Stone Park Sprayground Design, not to exceed \$152,000.

[\(Council Communication No. 23-210\)](#)

9. [Approving](#) Joint Public Service Agreement with the City of Norwalk for construction of traffic signals at the intersection of Highway 5 and Highway 28.

[\(Council Communication No. 23-203\)](#)

10. [Acceptance](#) of a proposal from MidAmerican Energy Company to replace 16 existing streetlight poles and install 12 new streetlight poles for E. Court Avenue Reconstruction from the Des Moines River to E. 7th Street, estimated cost \$191,264.55.

[\(Council Communication No. 23-209\)](#)

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

## **SPECIAL ASSESSMENTS**

12. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2023-03.

13. [Deletion](#) of NAC – Emergency Assessment at 4103 Bay View Court.

## **LAND/PROPERTY TRANSACTIONS**

14. [Rededicating](#) portions of alley and 7th Street right-of-way adjoining 655 Walnut Street; and 7th Street right-of-way adjoining 319 7th Street, 701 Walnut Street and 700 Locust Street for right-of-way purposes.

15. [Releasing](#) PUD Restoration Bond for Pearl Lake.

16. [Releasing](#) subdivision bond for Southwoods Estates Plat 1.

17. [Releasing](#) subdivision bond for Southwoods Estates Plat 2.

18. [Approval](#) of final subdivision plat for Western Gateway.

[\(Council Communication No. 23-205\)](#)

19. [Approval](#) of final subdivision plat and acceptance of letter of credit for Pinnacle on Fleur.  
([Council Communication No. 23-204](#))

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

20. [Approving](#) proposed amendments to the procedural rules of the City Plan and Zoning Commission.

## **COMMUNICATIONS FROM PLANNING AND ZONING**

21. [Regarding](#) request from Bridgestone Americas Tire Operations, LLC (Barry Owens, Officer) for review and approval of the Preliminary Plat “Firestone Plat I” to allow for the development of a utility substation on a portion of a 79.44-acre parcel in the vicinity of 4600 NW 2nd Street in Unincorporated Polk County, which is within the two-mile distance for extraterritorial review of subdivision plats.
22. [Regarding](#) request from Eric and Jessica Nybeck (Owners) for review and approval of the Major Preliminary Plat “Deer Meadows formerly known as Nybeck Acres” to create six (6) parcels on 24.35 acres of property located in vicinity of 3502 113th Avenue in Unincorporated Warren County, which is within the two-mile distance for extraterritorial review of subdivision plats.

## **SETTING DATE OF HEARINGS**

23. [On](#) vacation of a portion of Ingersoll Avenue right-of-way adjoining 1910 Ingersoll Avenue and conveyance of a Permanent Easement for Building Encroachment to Community Foundation of Greater Des Moines, \$600, (5-8-23).
24. [On](#) vacation of alley right-of-way in the vicinity of 1601 High Street and conveyance of a Permanent Easement for Building Encroachment – Door Swing to Hoyt, LLC, \$2,045, (5-8-23).
25. [On](#) conveyance of a Permanent Easement for Water Main Right-of-Way in a portion of vacated SE 2<sup>nd</sup> Street right-of-way adjoining 303 Scott Avenue to City of Des Moines for the use and benefit of the Board of Water Works Trustees, (5-8-23).
26. [On](#) conveyance of a permanent underground electric line easement and a temporary electric line easement in portions of Birdland Park to MidAmerican Energy Company for the Birdland Pump Station Replacement Project, (5-8-23).

27. [On](#) request from Bradley and Belinda Mc Aninch (Owners) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification of the northwestern portion of property located in the vicinity of 4700 SE 14th Street from Low Density Residential within a Community Node to Community Mixed Use within a Community Node and to rezone the property from “MX2-V” and “MX2” Mixed Use District to “CX” Mixed Use District to allow redevelopment of the site for an Auto Body and Auto Sales business, (5-8-23).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. [Approving](#) payment to Jared Clinton.
29. [Approving](#) payment to Badger Mutual Insurance as subrogee of Shelby Ridley for an auto damage claim.

## APPROVING

30. [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 620 Douglas Avenue, \$200,000.  
([Council Communication No. 23-213](#))
31. [Subordination](#) Agreement of existing HOME Investment Partnerships Program (HOME) Mortgage on 3806 8th Street to Central Bank Construction Loan to Home Opportunities Made Easy (HOME, Inc.)  
([Council Communication No. 23-214](#))
32. [Fourth](#) Amendment to Amended and Restated Urban Renewal Agreement for Sale of Land for Private Redevelopment with Miesblock Commercial, LLC in the Metro Center Urban Renewal Area.  
([Council Communication No. 23-206](#))
33. [Issuance](#) of Certificate of Completion to 3801 Grand Associates, LP and Newbury Management Company for the James, 38<sup>th</sup> and Grand Urban Renewal Project.
34. [Issuance](#) of Certificate of Completion to Aust Real Estate, LLC for redevelopment of a building at 1201 Keosauqua Way.
35. [Parking](#) License Agreement with United States General Services Administration for the use of 54 parking spaces for a one-year term at the Third and Court Garage.

36. [Donation](#) Agreement with Broadlawns Medical Center for Central Place Levee Trail Phase 2.  
([Council Communication No. 23-202](#))
37. [Donation](#) Agreement with Community Foundation of Greater Des Moines for Design and Funding of the Gray's Lake Playground and Sprayground Project.  
([Council Communication No. 23-212](#))
38. [Memorandum](#) of Agreement with Iowa State Historical Preservation Office (SHPO) regarding demolition and future improvements at Fort Des Moines.  
([Council Communication No. 23-201](#))
39. [Iowa](#) Workforce Development Future Ready Iowa Entry Level Driver Training Program Grant Agreement.  
([Council Communication No. 23-217](#))
40. [Exception](#) to competitive procurement process for good cause shown and approving agreement with the Iowa Association of Municipal Utilities (IAMU) to provide services relating to safety in the workplace.  
([Council Communication No. 23-215](#))
41. [Agreement](#) with Des Moines Association of Professional Fire Fighters Local No. 4 for period July 1, 2023 through June 30, 2024.  
([Council Communication No. 23-216](#))
42. [Receive](#) and file the Comprehensive Annual Financial [Report](#) for the City of Des Moines for the year ending June 30, 2022.  
([Council Communication No. 23-218](#))
43. [Receive](#) and file Quarterly Treasurer's Report as of March 31, 2023.
44. [Declaring](#) an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the City for certain original expenditures paid in connection with specified projects.

- 45. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 24 and May 1, 2023; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 24 and May 1, 2023; to draw checks for biweekly payroll due May 5, 2023.

**ORDINANCES - FINAL CONSIDERATION**

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

**ORDINANCES - SECOND CONSIDERATION**

- 47. [Rezone](#) 1202 Thomas Beck Road from “NX1” Neighborhood District to “EX” Industrial District to allow multiple uses, including a religious assembly, fabrication and production, and office.

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

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

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 48 THRU 52)**

- 48. [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.

- (A) [First](#) consideration of ordinance above.

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

- 49. [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.

- (A) [First](#) consideration of ordinance above.

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



50. [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.
  
51. [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.
  
52. [On](#) 2023 City-wide PCC Pavement Patching Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as TK Concrete, Inc. (Tony J. Ver Meer, President), \$2,487,830.

[\(Council Communication No. 23-208\)](#)

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

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

#### **ORDINANCES - FIRST CONSIDERATION**

53. [Amending](#) Chapter 2 of the Municipal Code relating to the City Managers authority for executing certain real estate documents and adding the City Managers authority for administrative settlements and condemnation awards.

[\(Council Communication No. 23-211\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by the Engineering Department), requires six votes.

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

([Council Communication No. 23-207](#))

- (A) Speed Limit Modification – Hull Avenue between E. 14th Street and Delaware Avenue.
- (B) Parking Modification – Monroe Elementary School at 30th Street and Hickman Road.
- (C) Parking Modification – 24th Street between Carpenter Avenue and University Avenue.
- (D) Parking Modification – Broad Street between SW 7th Street and South Union Street.

## COMMUNICATIONS/REPORTS

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

- (A) Denver Foote
- (B) Bridget Botkin
- (C) Janice Hawkins
- (D) Carolyn Uhlenhake Walker
- (E) Joann Muldoon

MOTION TO ADJOURN.

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