

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

**May 22, 2023
5:00 P.M.**

PROCLAMATIONS – 4:45 P.M.

National Gun Violence Awareness Day

Public Works Week

Pride Month

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 51:

***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) DOLLAR GENERAL #24813 3261 E EUCLID AVE Class B Retail

RENEWAL APPLICATIONS

(B) 503 COCKTAIL LAB	503 E LOCUST ST	Class C Liquor
(C) APRILS SUNRISE TAP	4155 EASTON BLVD	Class C Liquor
(D) CARLS PLACE	1620 WOODLAND AVE	Class C Liquor
(E) COURT AVENUE BREWING CO	309 COURT AVE	Class C Liquor
(F) CVS PHARMACY #10329	2303 MERLE HAY RD	Class E Liquor
(G) DEEP END BAR	830 MCKINLEY AVE	Class C Liquor
(H) DES MOINES CIVIC CENTER	221 WALNUT ST	Class C Liquor

(I)	EASYGO	2723 GRAND AVE	Class E Liquor
(J)	ELWELL FAMILY FOOD	3000 E GRAND AVE	Class C Liquor
(K)	FAREWAY STORES INC #225	2716 BEAVER AVE	Class E Liquor
(L)	JALAPENO PETE'S	3000 E GRAND AVE	Special Class C
(M)	JETHROS BBQ SOUTHSIDE	4337 PARK AVE	Class C Liquor
(N)	LUCCA	420 E LOCUST ST	Class C Liquor
(O)	MARIAS MEXICAN	5405 DOUGLAS AVE	Class C Liquor
(P)	MIYABI 9	512 E GRAND AVE	Class C Liquor
(Q)	MOTLEY SCHOOL TAVERN	1903 BEAVER AVE	Class C Liquor
(R)	MULLETS	1300 SE 1ST ST	Class C Liquor
(S)	PARKS AREA FOUNDATION	710 CORNING AVE	Special Class C
(T)	PLAZA PUB	6202 DOUGLAS AVE	Class C Liquor
(U)	RICOS PUB	2314 UNIVERSITY AVE	Class C Liquor
(V)	ST KILDA BAKERY AND CAFE	300 SW 5TH ST #A150	Class C Liquor
(W)	STATION ON INGERSOLL	3124 INGERSOLL AVE	Class C Liquor
(X)	VIBES KITCHEN & BAR	1303 WALNUT ST	Class C Liquor

SPECIAL EVENT APPLICATIONS

(Y)	APRES BAR CO	519 PARK ST	5 days
	CLASS C LIQUOR LICENSE FOR A WEDDING ON JUNE 10, 2023.		
(Z)	CAPITAL CITY PRIDE	510 E LOCUST ST	5 days
	SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR FESTIVAL ON JUNE 9 - 11, 2023.		
(AA)	CAPITAL CITY PRIDE	431 E LOCUST ST	5 days
	SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR FESTIVAL ON JUNE 9 - 11, 2023.		
(BB)	CAPITAL CITY PRIDE	510 E LOCUST ST	5 days
	SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR FESTIVAL ON JUNE 9 - 11, 2023.		
(CC)	DEPOT	3000 E GRAND AVE #069	5 days
	CLASS C LIQUOR LICENSE FOR EVENTS ON JUNE 5 - JUNE 9, 2023.		
(DD)	DES MOINES ARTS FESTIVAL	1200 LOCUST ST	5 days
	CLASS C LIQUOR LICENSE FOR THE FESTIVAL ON JUNE 23 - 25, 2023.		
(EE)	DES MOINES ARTS FESTIVAL	1198 GRAND AVE	5 days
	SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR FESTIVAL ON JUNE 23 - 25, 2023.		
(FF)	DES MOINES ARTS FESTIVAL	400 15TH ST	5 days
	CLASS C LIQUOR LICENSE FOR THE FESTIVAL ON JUNE 23 - 25, 2023.		

- (GG) DES MOINES ARTS FESTIVAL 1329 GRAND AVE 5 days
CLASS C LIQUOR LICENSE FOR THE FESTIVAL ON JUNE 23 - 25, 2023.
- (HH) DES MOINES ARTS FESTIVAL 1000 GRAND AVE 5 days
CLASS C LIQUOR LICENSE FOR THE FESTIVAL ON JUNE 23 - 25, 2023.
- (II) DES MOINES ARTS FESTIVAL 1408 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR THE FESTIVAL ON JUNE 23 - 25, 2023.
- (JJ) DES MOINES EMBASSY CLUB 100 LOCUST ST 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR A WEDDING ON
JUNE 3, 2023.
- (KK) DES MOINES EMBASSY CLUB 100 LOCUST ST 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR A WEDDING ON
JUNE 6, 2023.
- (LL) IOWA CRAFT BREW FESTIVAL 2251 GEORGE FLAGG PKWY 5 days
CLASS C LIQUOR LICENSE FOR FESTIVAL ON JUNE 3, 2023.
- (MM) JRS SOUTHPORK RANCH 3000 E GRAND AVE 5 days
CLASS C LIQUOR LICENSE FOR THE WORLD PORK EXPO JUNE 6 - 10,
2023.
- (NN) PAR CATERERS 3915 FLEUR DR 5 days
CLASS C LIQUOR LICENSE FOR PRINCIPAL CHARITY CLASSIC ON MAY
31 - JUNE 4, 2023.
- (OO) RIPROAR EVENTS 313 WALNUT ST 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR DAM TO DSM ON
JUNE 2 - 3, 2023.
- (PP) SA PRESENTS 2251 GEORGE FLAGG PKWY #A 5 days
CLASS C LIQUOR LICENSE FOR CHARLES WESLEY GODWIN CONCERT
ON JUNE 9, 2023.
- (QQ) SALISBURY HOUSE 4025 TONAWANDA DR 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR AN EVENT ON
JUNE 2, 2023.
- (RR) ST GEORGE GREEK ORTHODOX 1110 35TH ST 5 days
CLASS C LIQUOR LICENSE FOR THE GREEK FOOD FAIR JUNE 2 - 4, 2023.
- (SS) TANGERINE FOOD COMPANY 2251 GEORGE FLAGG PKWY #A 5 days
CLASS C LIQUOR LICENSE FOR BALLET DES MOINES ON JUNE 1, 2023.

(TT) TOP IT OFF LIQUOR CATERING 1011 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR AN EVENT ON JUNE 9, 2023.

(UU) YOUR PRIVATE BAR 519 PARK ST 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING RECEPTION ON JUNE 3,
2023.

5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

(A) [Gray's Station Trunk Sanitary Sewer](#): Receiving of bids, (6-13-23) and Setting date of hearing, (6-26-23), Engineer's estimate, \$1,550,000.

[\(Council Communication No. 23-252\)](#)

(B) [Demolition](#) of Former Public Works Facility at 216 SE 5th Street and 108 SE 5th Street: Receiving of bids, (6-13-23) and Setting date of hearing, (6-26-23), Engineer's estimate, \$775,000.

[\(Council Communication No. 23-251\)](#)

7. [Approving](#) Supplemental Agreement No. 5 to the Professional Services Agreement with Kirkham Michael & Associates, Inc. for additional design services for Southeast Connector – SE 30th Street to U.S. 65, not to exceed \$981,000.

[\(Council Communication No. 23-249\)](#)

8. [Authorizing](#) issuance of a Notice of Intent to Enter into a Guaranteed Maximum Price Contract pursuant to Iowa Code Chapter 26A for the North Side Community Recreation Center and authorization for staff to proceed pursuant to Iowa Code Chapter 26A.

[\(Council Communication No. 23-250\)](#)

9. [Approving](#) exception to the Request for Proposal for good cause and approving Professional Services Agreement with Calhoun-Burns and Associates, Inc. for the City-Wide Bridge Evaluation – 2023, not to exceed \$220,000.

[\(Council Communication No. 23-247\)](#)

10. [Approving](#) Private Construction Contract between TK Concrete, Inc. and Des Moines Independent Community School District for Paving Improvements to serve South Union Elementary.
11. Approving completion and acceptance of Private Construction Contracts between the following:
 - (A) [Baker](#) Mechanical, Inc. d/b/a Baker Group and Principal Life Insurance Company for Storm Sewer Improvements at 702 9th Street.
 - (B) [Tech](#) Construction Corp d/b/a Caselli Construction and Van-Am Properties, LLC for Paving Improvements at 702 20th Street.
 - (C) [Baker](#) Electric, Inc. and Kemin Industries, Inc. for Traffic Signal Improvements at E. Martin Luther King Jr. Parkway and SE 18th Street.
12. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
13. Accepting completed construction and approving final payment for the following:
 - (A) [Fleur](#) Drive Reconstruction, Southbound Lanes, from George Flagg Parkway to Watrous Avenue, Inroads, LLC.
 - (B) [9th](#) and Locust Street Parking Garage Skywalk & HVAC Improvements, Neumann Brothers, Inc.
 - (C) [2021](#) PCC Residential Paving Program, MPS Engineers, PC d/b/a Kingston Services, PC.

SPECIAL ASSESSMENTS

14. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2023-04.

LAND/PROPERTY TRANSACTIONS

15. [Rededicating](#) portions of alley, E. 3rd Street and E. Walnut Street right-of-way adjoining 304 E. Walnut Street for right-of-way purposes.
16. [Releasing](#) PUD restoration bond for Casey's General Store on SW 9th Street.

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Approving](#) Appointment of Jeff Hatfield as a Member of the Des Moines Skywalk Committee.
18. [Communication](#) from Dan Drendel of his resignation from the Plan and Zoning Commission, Seat 6, effective immediately.

18-I Items regarding the Greater Des Moines Sister Cities Commission:

- (A) [Communication](#) from Marcus Coenen of his resignation from Seat 9, effective May 8, 2023.
- (B) [Approving](#) appointment of Council Member Martin Squier as the Primary Representative for the City of Cumming.

COMMUNICATIONS FROM PLANNING AND ZONING

19. [Regarding](#) request from Greater Des Moines Habitat for Humanity (Ryan Doyle, Officer) for review and approval of a Preliminary Plat “Habitat – E 46th Street” to allow for development of fifteen (15) one-household residential lots on property located at 4320 E. 46th Street.

SETTING DATE OF HEARINGS

20. [On](#) conveyance of vacated alley right-of-way located west of and adjoining 1530 E. 17th Court to James Blake, \$25, (6-12-23).
21. [On](#) conveyance of vacated alley right of way in the block bounded by Garfield Avenue on the north, Easton Boulevard on the south, Stewart Street on the east and Dixon Street on the west to Fernando Guerrero Castillo, David and Linda Wood, and Swift Properties, LLC, (6-12-23).
22. [On](#) conveyance of a permanent underground electric line easement in City property located at 1553 Maury Street to MidAmerican Energy Company for the new City of Des Moines greenhouse project, (6-12-23).
23. [On](#) request from Cambodian Buddhist Society, Inc (Noy Noeuy, Officer) to amend Plan DSM Creating Our Tomorrow Plan to revise the future land use classification and to rezone property located in the vicinity of 1301 19th Street from “NX1” Neighborhood Mix District to “RX1” Mixed-Use District to allow the reuse of an existing building as a grocery store, (6-12-23).

24. [On](#) request from Charles E. Koenigs and Shirley D. Koenigs (Owners) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification of a portion of the property located at 7905 SE 14th Street, generally in the northwest corner of the lot, from Parks and Open Space with Development Control Zone to Low Density Residential, and to rezone a portion of the property generally in the northwest corner of the lot from “F” Flood District to “N1a” Residential District to allow the construction of a new accessory building, (6-12-23).
25. [On](#) consideration of a license agreement with Downtown Des Moines Self-Supported Municipal Improvement District d/b/a Operation Downtown for installation, maintenance and display of artwork within the Principal Riverwalk Trail Underpass under the Iowa Women of Achievement Pedestrian Bridge, (6-12-23).

[\(Council Communication No. 23-258\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. [Approving](#) payment to Taylor Roth for a property damage claim.
27. [Approving](#) payment to Dennis Bair for a workers’ compensation claim.

CITY MANAGER COMMUNICATIONS

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

[\(Council Communication No. 23-270\)](#)

APPROVING

29. [Community](#) Development Block Grant (CDBG) funding to prepare for, prevent, and respond to Coronavirus, second round (CDBG-CV 2), first extension request to Iowa Economic Development Authority (IEDA) for grant agreement number 20-CVE-001.

[\(Council Communication No. 23-257\)](#)

30. [First](#) Amendment to the Urban Renewal Development Agreement with 217 E Second LC and acceptance of revised Conceptual Development Plan for the renovation of the existing 20,500 square foot commercial building and related site improvements located at 217 E. 2nd Street for commercial and office uses.

[\(Council Communication No. 23-268\)](#)

31. Support for Workforce Housing Tax Credit benefit applications to be submitted to the Iowa Economic Development Authority for the following:

[\(Council Communication No. 23-267\)](#)

- (A) [HOA](#) Development, LLC (Jenny Drake, Vice President) for the Aston Project at 603 E. 6th Street.
 - (B) [Conlin](#) Development Group (JB Conlin, Manager) for the Rehabilitation Project at 826 18th Street,
 - (C) [Elevate](#) Townhomes, LLC (Adam Sieren, Owner) for the Elevate Townhomes Project at 508 Indianola Road.
 - (D) [1435](#) Mulberry, LLC (Andrew Juris, President) for the Falcon Project at 1435 Mulberry Street.
 - (E) [Wade](#) Investments, LLC (Ryan Wade, Partner) for the High Streets Loft II Project at 1613 High Street.
 - (F) [North](#) Des Moines Town Hall, LLP (Chaden Halfhill, Partner) for Falcon Project at 1601 6th Avenue.
 - (G) [36](#) on 6th, LLC (Tim Bratvold, Owner) for the Klein Building Project at 3614 6th Avenue.
 - (H) [EV](#) Green Acre Companies (Dan Garrett, Consultant) for the Falcon Drive – 13th and Mulberry Project at 1301 Mulberry Street.
 - (I) [HOA](#) EVMF, LLC (Jenny Drake, Vice President) for the Tempo Project at 317 E. 6th Street.
 - (J) [EV](#) Mixed Use, LLC (Alexander Grgurich, Director of Development) for the 418 E. Grand Project located at 418 E. Grand Avenue.
32. [Issuance](#) of Certificate of Completion for NMDP Holdings LLC SE Agribusiness Urban Renewal Project at 3312 E. Granger Avenue.
33. [Petition](#) to expand and continue Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) for an additional 10 years beginning July 1, 2024 pursuant to Chapter 386 of the Iowa Code and to refer the petition to the Plan and Zoning Commission for review and recommendation.

[\(Council Communication No. 23-269\)](#)

34. [Facility](#) Use Agreement with World Triathlon Corporation d/b/a IRONMAN for use of Gray's Lake Park and Rotary Riverwalk Park parking lot and Meredith, Kruidenier and Bill Riley Multi-Use Trails for the 2023 IRONMAN Triathlon.

[\(Council Communication No. 23-260\)](#)

35. [Approval](#) of agreement with Des Moines Independent Community School District for Shared Use of City Parks and Recreational Facilities and School District Facilities.

[\(Council Communication No. 23-259\)](#)

36. [Approval](#) of agreement with Bike World for Parks and Recreation Department bicycle rentals.

[\(Council Communication No. 23-261\)](#)

37. [Grant](#) funding agreement with Rebuilding Together Greater Des Moines, Inc. d/b/a Rebuilding Together to support homeowners using the ION Homeowner Renovation Program.

- ~~38. Second Amendment to Agreement with Community Foundation of Greater Des Moines for administration of the Public Arts Program.~~

39. [Application](#) for funding through the Fiscal Year (FY) 2023 Law Enforcement Agency De-Escalation Grant through the Community Oriented Policing Office of the Department of Justice, \$69,500.

[\(Council Communication No. 23-266\)](#)

40. [Obligating](#) funds as provided in American Rescue Plan Act (ARPA) legislation and rules and granting authority to the City Manager to execute contracts related to ARPA funds.

41. [Inflation](#) Reduction Act Grant Application seeking \$5,000,000 for Forestry Division Tree Planting and Maintenance Program.

[\(Council Communication No. 23-263\)](#)

42. [Purchase](#) from Truck Equipment Company (Terry Wieseler, Owner) to purchase and install various truck body equipment and accessories on six (6) city-owned chassis for use by the Public Works Department, estimated cost \$370,737. (One (1) compliant bid received).

[\(Council Communication No. 23-255\)](#)

43. [Purchase](#) from Gartner, Inc. (Eugene A. Hall, President) of a subscription for Information Technology research and advisory services per NASPO Agreement for use by the Information Technology Department, \$109,732.

[\(Council Communication No. 23-256\)](#)

44. [Purchase](#) from Toter, Inc. (Chad Coquette, Executive Director/CEO) for solid waste collection carts per Sourcewell Contract for use by the Public Works Department, estimated cost \$700,000.

[\(Council Communication No. 23-262\)](#)

45. [Agreement](#) with 6th Avenue Corridor, Inc. for the early transfer of funds to City.

[\(Council Communication No. 23-246\)](#)

46. [Amendment](#) to Cooperative Agreement with 6th Avenue Corridor, Inc.

[\(Council Communication No. 23-245\)](#)

47. [Purchase](#) from Central Salt, LLC (Thomas Peterson, President/General Manager) for joint purchase with the City of West Des Moines, Polk County and 26 other public entities representing the Central Iowa Salt Group (CISG) for granular deicer products to be used by the Public Works Department, \$918,135. (Five (5) potential bidders, three (3) received).

48. [Exception](#) to the procurement ordinance competitive bidding requirement for good cause and execution of a Cost Sharing Agreement with the Des Moines Independent Community School District for the School Crossing Guard Program, not to exceed \$230,000 per year.

[\(Council Communication No. 23-265\)](#)

49. [Additional](#) funds for the purchase of uniforms and alteration services from Galls LLC (Michael Wessner, CEO) for use by the Police Department, \$46,000. (Estimated annual cost \$171,000).

[\(Council Communication No. 23-264\)](#)

50. Abatement of public nuisances as follows:

- (A) [1930](#) Arlington Avenue.
- (B) [503](#) E. Watrous Avenue.
- (C) [1540](#) Des Moines Street.
- (D) [1625](#) 22nd Street.
- (E) [2806](#) Maple Street.
- (F) [2818](#) Raccoon Street.

51. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 22, 29 and June 5, 2023; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 22, 29 and June 5, 2023; to draw checks for biweekly payroll due June 2, 2023.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 59)

52. [On](#) City-initiated request to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park & Industrial to Low Density Residential, Parks and Open Space and Public/Semi-Public, and to rezone properties in an area generally located north of Maury Street, east of SE 25th Street, south of E. Market Street, and west of SE 30th Street, from “EX” Mixed Use District and “I1” Industrial District to “N3c” Neighborhood District.

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

53. [On](#) the proposed Eleventh Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area.

[\(Council Communication No. 23-240\)](#)

54. [On](#) the proposed Thirty-Second Amendment to the Urban Renewal Plan for the Metro Center Urban Renewal Area.

[\(Council Communication No. 23-242\)](#)

55. [On](#) the proposed Fourth Amendment to the Urban Renewal Plan for the Merle Hay Commercial Urban Renewal Area.

[\(Council Communication No. 23-241\)](#)

56. [On](#) the proposed Sixth Amendment to the Urban Renewal Plan for the Southside Economic Development District Urban Renewal Area.

[\(Council Communication No. 23-244\)](#)

57. [On](#) the proposed Fourteenth Amendment to the Urban Renewal Plan for the SE Agribusiness Urban Renewal Area.

[\(Council Communication No. 23-243\)](#)

58. On Riverview Restroom Facility: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Munro Construction Company (Patrick T. Munro, President), \$570,000.

([Council Communication No. 23-253](#))

- (A) Approval of contract and bond.

59. On SW 63rd Street Resurfacing from Willow Creek Drive to Dead End North: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as OMG Midwest, Inc. dba Des Moines Asphalt & Paving (Kevin Bragg, President), \$264,096.20.

([Council Communication No. 23-248](#))

- (A) Approval of contract and bond.

****END HEARINGS AT _____ P.M.****

ORDINANCES FIRST CONSIDERATION

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

([Council Communication No. 23-254](#))

- (A) Code Correction – Cambridge Street between E Euclid Avenue and E Douglas Avenue.
- (B) Parking Modification – E Sheridan Avenue between Sampson Street to Glenbrook Drive.
- (C) Parking Modification – Park Avenue between SW 24th Street and SW 29th Street.
- (D) Parking Modification – Watrous Avenue between Fleur Drive and SW 26th Street.
- (E) Parking Modification – Lower Beaver Road between Madison Avenue and Shawnee Place.
- (F) Corner Clearance Parking Restrictions:
 - (1) 17th Street and Clark Street.
 - (2) 36th Street and Cottage Grove Avenue.
 - (3) 53rd Street and Ovid Avenue.

61. Amending Chapter 2 of the Municipal Code relating to elections.

- (A) Final consideration of ordinance above (waiver requested by Scott Sanders, City Manager), requires six votes.

COMMUNICATIONS/REPORTS

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

- (A) Bridget Botkin
- (B) Adam Callanan
- (C) Frank Ingersoll

EXTRA ITEM

1. [Approving](#) retention of Brent Hinders with Hopkins & Huebner, PC as outside counsel due to a conflict of interest. Sponsor: Mayor Cownie.

MOTION TO ADJOURN.

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