

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

June 12, 2023
5:00 PM

PROCLAMATIONS – 4:45 PM

Immigrant Heritage Month

Iowa Craft Beer Month

Go Skateboarding Day

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 48:

***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) 77 RESTAURANT 1452 2ND AVE Class C Liquor~~

RENEWAL APPLICATIONS

(B) AKEBONO	215 10TH ST	Class C Liquor
(C) BERK AND CHESTERS	5800 FLEUR DR	Class C Liquor
(D) BLANK PARK ZOO	7401 SW 9TH ST	Class C Liquor
(E) BLAZE PIZZA	300 W MLK JR PKWY	Special Class C
(F) CJS II	316 E 30TH ST	Class C Liquor
(G) CONTINENTAL	407 E 5TH ST	Class C Liquor
(H) CREME	543 28TH ST	Class C Liquor

(I)	DSM CONCESSIONS LLC	5800 FLEUR DR	Class C Liquor
(J)	EL RANCHO ALEGRE	3308 INDIANOLA AVE	Class C Liquor
(K)	GIT N GO STORE #11	3940 E 29TH ST	Class B Retail
(L)	GIT N GO STORE #31	2601 SW 9TH ST	Class B Retail
(M)	KELLYS LITTLE NIPPER	1701 E GRAND AVE	Class C Liquor
(N)	NEW CHINA BUFFET	1201 E ARMY POST RD	Special Class C
(O)	PLATFORM	400 WALNUT ST	Class C Liquor
(P)	QUIKTRIP #516	1000 E UNIVERSITY AVE	Class B Retail
(Q)	SCOTTISH RITE PARK	2909 WOODLAND AVE	Class F Retail
(R)	TOBACCO OUTLET #519	727 SE 14TH ST	Class B Retail
(S)	VETERANS MEMORIAL CCCU	833 5TH AVE	Class C Liquor

SPECIAL EVENT APPLICATIONS

- (T) ~~BUZZARD BILLYS 615 3RD ST PARKING LOT 5 days
CLASS C LIQUOR LICENSE FOR DOOBIE BROTHERS CONCERT ON JUNE 18 AND CHRIS STAPLETON CONCERT ON JUNE 22, 2023. PENDING APPROVAL OF THE ZONING DEPARTMENT.~~
- (U) CAJUN FEST 313 WALNUT ST 5 days
CLASS C LIQUOR LICENSE FOR FESTIVAL ON JUNE 17, 2023.
- (V) DES MOINES EMBASSY CLUB 100 LOCUST ST 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR AN EVENT ON JUNE 22, 2023.
- (W) JRS SOUTHPORK RANCH 3000 E GRAND AVE 5 days
CLASS C LIQUOR LICENSE FOR GOODGUYS CAR SHOW ON JULY 1 - 2, 2023.
- (X) MOHATT WEDDING 3020 FOREST AVE 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON JUNE 24, 2023.
- (Y) OLD WEST BARBEQUE 3000 E GRAND AVE 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR GOODGUYS CAR SHOW ON JULY 1 - 2, 2023.
- (Z) SA PRESENTS 2251 GEORGE FLAGG PKWY 14 days
CLASS C LIQUOR LICENSE FOR CONCERTS ON JUNE 27, 28, 30 AND JULY 3, 2023.
- (AA) STEER N STEIN 3000 E GRAND AVE 14 days
CLASS C LIQUOR LICENSE FOR GOODGUYS CAR SHOW ON JULY 1 - 2, 2023.
- (BB) TOP IT OFF LIQUID CATERING 1408 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR AN EVENT ON JUNE 22, 2023.

(CC)WAT LAO BUDDHAVAS 1804 E PARK AVE 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR A FESTIVAL ON
JUNE 16-18, 2023.

(DD) YOUR PRIVATE BAR 519 PARK ST 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON JUNE 24, 2023.

4-I [Approving](#) 5-day Special Class C Liquor License (Beer/Wine) for Salisbury House at 4025
Tonawanda Drive for Shakespeare on the Lawn on June 28, 2023.

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

PUBLIC IMPROVEMENTS

6. [Ordering](#) construction of Ingersoll Avenue Pavement Markings – Martin Luther King Jr.
Parkway to 15th Street: Receiving of bids, (6-27-23) and Setting date of hearing, (7-17-
23), Engineer’s estimate, \$225,000.

[\(Council Communications No. 23-281\)](#)

7. [Approving](#) and authorizing the execution of agreements for Cooperative Public Service
between Polk County and the City of Des Moines and between the Iowa Department of
Transportation and the City of Des Moines for Traffic Signal Equipment Upgrades as part
of the Intelligent Transportation Systems Master Plan—Phase 3 Project.

[\(Council Communication No. 23-282\)](#)

8. [Approving](#) Professional Services Agreement with Substance, LLC for the Des Moines Fire
Station No. 4 Replacement project, not to exceed \$965,060.

[\(Council Communication No. 23-284\)](#)

9. [Approving](#) exception to Request for Proposal process for good cause and approving
Professional Services Agreement with Ace Pipe Cleaning, Inc. for 2023 Sanitary and
Storm Sewer Televising Inspection and Analysis Program, not to exceed \$472,910.

[\(Council Communication No. 23-283\)](#)

10. [Approving](#) Supplemental Agreement No. 3 to the Professional Services Agreement with
I&S Group, Inc. for Market District Street Reconstruction Project (E. 1st, 2nd, 3rd, and 7th
Streets), not to exceed \$295,015.

[\(Council Communication No. 23-285\)](#)

11. Approving Private Construction Contracts between the following:
 - (A) [Evolution](#) Contracting, LLC and KEC Investments, LLC for Sanitary and Storm Sewer Improvements in 2300 Stanton Avenue.
 - (B) [Beal](#) Derkenne Construction LLC and 515 Walnut LLC for Skywalk 5C-5D Structural Support Improvements in 515 Walnut Street.
12. Approving completion and acceptance of Private Construction Contracts between the following:
 - (A) [Valley](#) Plbg. Co., Inc. d/b/a Rhiners Plumbing Co. Inc. and Grandview Gardens, LLC for Sanitary Sewer Improvements at E. 17th Street between E. Washington Avenue and Mattern Avenue (Busco Addition).
 - (B) [Elder](#) Corporation and R. Michael Knapp 2001 Revocable Trust for Sanitary Sewer Improvements in vicinity of the intersection of NE 38th Avenue and NE 56th Street (Brook Run North).
 - (C) [BallTeam](#), LLC and Fareway Stores, Inc. for Paving and Storm Sewer Improvements at 2716 Beaver Avenue.
13. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
14. [Accepting](#) completed construction and approving final payment for Intelligent Transportation System Phase 1, Iowa Signal, Inc.

SPECIAL ASSESSMENTS

15. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2023-06.
16. [Deletion](#) of NAC – Emergency Assessment at 2911 Merle Hay Road.
17. [Deletion](#) of rental inspection assessment at 2920 Douglas Avenue.

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. [Recertification](#) of recognized neighborhoods.

([Council Communication No. 23-290](#))

18-I Recommendation from Mayor Cownie for the following:

- (A) [Appointment](#) of Jessica Feeney to the Airport Authority Board, Seat 4, for a four-year term commencing July 1, 2023, expiring June 30, 2027.
 - (B) [Reappointment](#) of Jacob Christensen to the Airport Authority Board, Seat 1, for a four-year term expiring June 30, 2027.
 - (C) [Reappointment](#) of Mark Feldmann to the Airport Authority Board, Seat 2, for a four-year term expiring June 30, 2027.
19. [Recommendation](#) from Council Member Boesen to appoint Chad Nelson to the Historic Preservation Commission, Seat 5, to fill a vacancy with a term expiring October 18, 2023.
20. Recommendation from Council Member Voss for the following:
- (A) [Reappointment](#) of Mickey Carlson to the Housing Services Board, Seat 3, for a three-year term expiring June 30, 2026.
 - (B) [Reappointment](#) of Teresa Parmenter to the Greater Des Moines Sister Cities Commission, Seat 7, for a five-year term expiring April 27, 2028
 - (C) [Appointment](#) of Richard Trower to the Plan and Zoning Commission, Seat 6, for a five-year term expiring July 1, 2025.
21. Recommendation from Council Member Gatto to reappoint the following:
- (A) [Blake](#) Hanson to the Transportation Safety Committee, Seat 8, for a three-year term expiring December 31, 2025.
 - (B) [Bart](#) Caldwell to the Building and Fire Code Board of Appeals, Seat 14, for a three-year term expiring April 1, 2026.

- (C) [Dave](#) Dykstra to the Building and Fire Code Board of Appeals, Seat 7, for a three-year term expiring April 1, 2024.

SETTING DATE OF HEARINGS

22. [On](#) vacation of segments of Ingersoll Avenue right-of-way and conveyance of easements for bus shelter encroachment on City-owned property to Des Moines Area Regional Transit Authority, \$1,320, (6-26-23).
23. [On](#) vacation of a portion of alley right-of-way in the block bounded by Woodland Avenue on the north, High Street on the south, 24th Street on the east and 28th Street on the west and conveyance to Jesse Laake, Cameron Gale, Chester Smith and Nicole Ryan, (6-26-23).
24. [On](#) vacation of an undeveloped portion of SW 4th Street right-of-way located between Porter Avenue and Diehl Avenue and conveyance of a portion of said vacated right-of-way to MRL Enterprises, LLC, \$150, (6-26-23).
25. [On](#) conveyance of excess City property located at the corner of E. Washington Avenue and DeWolf Street to Jackson Contracting, LLC, \$30,500, (6-26-23).
26. [On](#) request from William C Knapp, LC (Gerard D. Neugent, Officer), for two (2) parcels located in the vicinity of 1803 County Line Road, to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park within a Future Neighborhood Node to Community Mixed Use, Business Park, Public/Semi-Public, and Low-Medium Density Residential within a Neighborhood Node, and to rezone the properties from “EX” Mixed Use District to multiple districts, including “MX3” Mixed-Use District, “MX1” Mixed-Use District, “P2” Public, Civic and Institutional District, “I1” Industrial District, and “NX2” Neighborhood Mix District, to allow a large-scale, multi-use development, (6-26-23).
27. [On](#) approval of a License Agreement with Sherman Hill Association, Inc. to allow for the replacement of the existing street light system with a decorative lighting system within the street right-of-way border area in parts of the Sherman Hill neighborhood, (6-26-23).
28. [On](#) the intent to commence a public improvement project to construct the E. Army Post Road and SE 36th Street Roundabout Project and to authorize acquisition of the necessary property interests, (6-26-23).
29. [On](#) voluntary annexation of property located north of and adjoining 4845 Merle Hay Road, (7-17-23).
30. [On](#) proposed First Amendment to the Urban Renewal Plan for the East Army Post Road Urban Renewal Area, (8-7-23).

[\(Council Communication No. 23-296\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

31. [Approving](#) Release arising from Change Order No. 1 on the Harriet Street Solar Field.
32. [Approving](#) payment to Pagliai Collision Center for a property damage claim.

APPROVING

33. [HOME](#) Investment Partnerships Program funding as authorized under the American Rescue Plan (HOME-ARP) Agreement with Anawim Housing for \$1,000,000 for the rehabilitation of Monarch Apartments at 4845 Merle Hay Road.

[\(Council Communication No. 23-291\)](#)

34. [Request](#) to Polk County Treasurer and agreements with nonprofit development partners for assignment of tax sale certificates for various properties for development and or rehabilitation of housing.

[\(Council Communication No. 23-289\)](#)

35. [Second](#) Amendment to and Assignment of Agreement with Community Foundation of Greater Des Moines and the Greater Des Moines Public Art Foundation for administration of the Public Arts Program.

36. [Third](#) Supplemental Skywalk Agreement with 515 Walnut, LLC.

[\(Council Communication No. 23-297\)](#)

37. [IDOT](#) Supplemental Agreement for maintenance of primary roads in municipalities from July 1, 2023 to June 30, 2024 including for emergency maintenance of State of Iowa owned traffic signals.

38. [Data](#) Sharing Agreement with Polk County Sheriff's Office and the City of West Des Moines on behalf of Westcom Public Safety Answering Point.

[\(Council Communication No. 23-293\)](#)

39. [Second](#) amendment to Agreement with Intergraph Corporation d/b/a Hexagon Safety & Infrastructure for computer aided dispatch system.

[\(Council Communication No. 23-294\)](#)

40. [Clarification](#) and approval of Roll Call 23-0565 from April 24, 2023 City Council agenda item 5.

41. Number not used.

42. [Agreement](#) with Root Cause Equity Consulting for consultant services for an organizational equity assessment.

43. Water Quality Initiative Urban Conservation Demonstration Projects Cost-Share Grant Contract with Iowa Department of Agriculture and Land Stewardship (IDALS) for the following:

- (A) [Des](#) Moines Stormwater Detention Basin Water Quality Retrofit.

[\(Council Communication No. 23-274\)](#)

- (B) [Glendale](#) Cemetery Wet Pond Rehabilitation.

[\(Council Communication No. 23-278\)](#)

44. [Application](#) from Parks Area Foundation, an affiliate of Highland Park SSMID, requesting permission to display 35 banners to signify the historic business district along the Highland Park SSMID District.

45. Abatement of public nuisances as follows:

- (A) [2744](#) Adams Avenue.
(B) [1911](#) 62nd Street.
(C) [2600](#) Cottage Grove.
(D) [1401](#) Stewart Street.
(E) [2939](#) Des Moines Street.
(F) [2617](#) E. Porter Avenue.

46. [Additional](#) funds of \$300,000 for the annual agreement with Central Iowa Ready Mix, Norwalk Ready Mix Concrete, Liberty Ready Mix and CTI Ready Mix to furnish Portland Cement Concrete for use by the Public Works Department, estimated annual cost \$900,000.

[\(Council Communication No. 23-275\)](#)

- 47. [Purchase](#) from sole source Med Alliance Group, Inc. (Mike S. Crawford, President) for eighteen (18) EleGARD devices to be used for the Advanced Cardiac Resuscitation (ACR) Guideline by the Fire Department, \$110,278.43.

[\(Council Communication No. 23-287\)](#)

- 48. [Authorizing](#) Finance Director to draw checks on registers for the weeks of June 12 and June 19, 2023; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 12 and June 19, 2023; to draw checks for biweekly payroll due June 16, 2023.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 49 THRU 54)

- 49. [On](#) conveyance of vacated alley right-of-way located west of and adjoining 1530 E. 17th Court to James Blake, \$25.
- 50. [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.
- 51. [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.
- 52. [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.
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.

53. [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. **(Plan and Zoning Commission recommends denial. Requires six votes for approval. Choose one alternative below.)**

(A) Deny.

OR

(B) Continue the hearing until June 26, 2023 and direct the City Manager and Legal Department to prepare the necessary legislation to approve the rezoning.

54. [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.

[\(Council Communication No. 23-279\)](#)

****END HEARINGS AT _____PM****

IMFORMAL HEARING

55. [Consideration](#) of a request from Invest DSM to demolish the Highland Apartments building located at 3524 6th Avenue, pursuant to Section 58-70 of the Historic Preservation Ordinance. **(Choose one alternative below)**

[\(Council Communication No. 23-295\)](#)

(A) DENY

OR

(B) APPROVE

ORDINANCES FIRST CONSIDERATION

56. [Amending](#) Sections 118-295, 118-296 and 118-297 of the Municipal Code relating to stormwater best management practices program.

[\(Council Communication No. 23-277\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Jonathan Gano, Public Works Director), requires six votes.

57. [Amending](#) Section 118-302 of the Municipal Code relating to private property protection program.

[\(Council Communication No. 23-276\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Jonathan Gano, Public Works Director), requires six votes.

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

[\(Council Communication No. 23-280\)](#)

- (A) Parking Modification – Grand Avenue between Seventeenth Street and Eighteenth Street.
- (B) Parking Modification – 3rd Street between Locust Street and Grand Avenue.
- (C) Traffic Modification – 18th Street between Grand Avenue and Ingersoll Avenue.
- (D) Speed Limit Reduction – Franklin Avenue between 34th Street and Beaver Avenue.
- (E) Traffic Control and Parking Modifications – South Union Street and Leach Avenue.

COMMUNICATIONS/REPORTS

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

- (A) Adam Callanan
- (B) Jeff Krugler
- (C) Christine Evans
- (D) Tanya Keith
- (E) Jack C. Porter

MOTION TO ADJOURN.

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