

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

June 26, 2023
5:00 PM

I. CLOSED SESSION – 3:45 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.

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- 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 Applications for the following:

NEW APPLICATIONS

(A)	77 RESTAURANT	1452 2ND AVE	Class C Liquor
(B)	HAUNT	500 LOCUST ST	Class C Liquor
(C)	IOWA STATE FAIR	3000 E GRAND AVE	Class B Native
(D)	SINGLESPEED BREWING	303 SCOTT AVE	Class C Liquor
(E)	TOP IT OFF LIQUID	1011 LOCUST ST	Class C Liquor

RENEWAL APPLICATIONS

(F)	1ST STOP BEVERAGE SHOP	2839 E UNIVERSITY AVE	Class E Liquor
(G)	BUBBA - SOUTHERN COMFORTS	200 10TH ST	Class C Liquor
(H)	DES MOINES PLAYHOUSE	831 42ND ST	Class C Liquor
(I)	DRUGTOWN WINE & SPIRITS	4100 UNIVERSITY AVE	Class E Liquor
(J)	HOLIDAY INN DOWNTOWN	1050 6TH AVE	Class C Liquor
(K)	HY VEE FOOD STORE #4	4605 FLEUR DR	Class E Liquor
(L)	HY VEE FOOD STORE #5	1107 E ARMY POST RD	Class E Liquor
(M)	LOCUST TAP	434 E LOCUST ST	Class C Liquor
(N)	MARISCOS EL CAPITAN	2809 6TH AVE	Class C Liquor
(O)	PRINCIPAL FINANCIAL	750 PARK ST	Class C Liquor
(P)	RITAS CANITANA	401 SE 5TH ST	Class C Liquor
(Q)	SCIENCE CENTER OF IOWA	401 W MLK JR PKWY	Class C Liquor
(R)	SMOKIN JOES OUTLET #20	3019 SE 14TH ST	Class B Retail
(S)	SOUTH TOWN TAP	3803 SW 9TH ST	Class C Liquor
(T)	SPLASH SEAFOOD BAR & GRILL	303 LOCUST ST #100	Class C Liquor
(U)	TIPSY CROW TAVERN	102 3RD ST	Class C Liquor
(V)	TOBACCO HUT PLUS US GAS	3000 SW 9TH ST	Class E Liquor
(W)	WAKONDA CLUB	3915 FLEUR DR	Class C Liquor
(X)	WAVELAND GOLF COURSE	4908 UNIVERSITY AVE	Class C Liquor

SPECIAL EVENT APPLICATIONS

- (Y) 80/35 MUSIC FESTIVAL 1230 LOCUST ST (BEER TENT) 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR FESTIVAL ON
JULY 7 - 8, 2023.

- (Z) 80/35 MUSIC FESTIVAL 1200 GRAND AVE 5 days
CLASS C LIQUOR LICENSE FOR FESTIVAL ON JULY 7 - 8, 2023.

- (AA) 80/35 MUSIC FESTIVAL 920 LOCUST ST (BEER TENT) 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR FESTIVAL ON
JULY 7 - 8, 2023.

- (BB) APRES BAR CO 120 E 5TH ST 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON JULY 21, 2023.
- (CC) BEAVERDALE NEIGHBORHOOD 4900 HICKMAN RD 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR BEAVERDALE
BLUEGRASS FESTIVAL ON JULY 15, 2023.
- (DD) BUD TENT 3000 E GRAND AVE 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR GOODGUYS
SHOW ON JULY 1 - 2, 2023.
- (EE) DEPOT 3000 E GRAND AVE 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR GOODGUYS CAR
SHOW ON JULY 1 - 2, 2023.
- (FF) HY VEE 120 E 5TH ST 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON JULY 15, 2023.
- (GG) IMPALA BALLROOM 2251 GEORGE FLAGG PKWY 5 days
CLASS C LIQUOR LICENSE FOR CORRIDOS FEST ON JULY 15, 2023.
- (HH) IOWA TAPROOM 215 E 3RD ST BEER TENT 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR MOONLIGHT
CLASSIC ON JULY 14, 2023.
- (II) OVATIONS FOOD SERVICES LP 833 5TH AVE (PARKING LOT) 5 days
CLASS C LIQUOR LICENSE FOR WALKER HAYES CONCERT ON JULY 15,
2023.
- (JJ) SA PRESENTS 2251 GEORGE FLAGG PKWY 5 days
CLASS C LIQUOR LICENSE FOR DEAD SOUTH CONCERT ON JULY 13 AND
STYX CONCERT ON JULY 14, 2023.
- (KK) SA PRESENTS 2251 GEORGE FLAGG PKWY 5 days
CLASS C LIQUOR LICENSE FOR WHISKEY MEYERS CONCERT ON JULY
20, 2023.
- (LL) SALISBURY HOUSE 4025 TONAWANDA DR 14 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR SHAKESPEARE
ON THE LAWN ON JULY 18 - 23, 2023.
- (MM) SENOR TEQUILA MEXICAN 3411 SE 14TH 5 days
CLASS C LIQUOR LICENSE FOR HAPPY BIRTHDAY AMERICA ON JULY 2,
2023.

11. [Approving](#) Change Order No. 7 with Absolute Concrete Construction, Inc. for additional work on Indianola Avenue Reconstruction – E. Army Post Road to US Highway 69, \$171,339.32.

[\(Council Communication No. 23-306\)](#)

12. Approving Private Construction Contracts between the following:
 - (A) [Legacy](#) Excavation, LLC and J. Larson Homes LLC for Sanitary Sewer Improvements in Three Lakes Estates Plat 11.
 - (B) [Legacy](#) Excavation, LLC and J. Larson Homes LLC for Storm Sewer Improvements in Three Lakes Estates Plat 11.
 - (C) [Legacy](#) Excavation, LLC and J. Larson Homes LLC for Sanitary Sewer Improvements in Three Lakes Estates Plat 12.
 - (D) [Legacy](#) Excavation, LLC and J. Larson Homes LLC for Storm Sewer Improvements in Three Lakes Estates Plat 12.
13. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

SPECIAL ASSESSMENTS

14. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2023-05.

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Recommendation](#) from Council Member Mandelbaum to reappoint Shannon Henson to the Housing Appeals Board, Seat 6, for a three-year term expiring March 16, 2026.
16. [Recommendation](#) from Council Member Mandelbaum to reappoint Ruth Thompson to the Access Advisory Board, Seat 14, for a four-year term expiring June 15, 2027.

SETTING DATE OF HEARINGS

17. Items regarding shared use parking lot in the vicinity of the Lauridsen Skate Park:
 - (A) [Approving](#) Memorandum of Understanding for the Riverwalk Dog Park and Lauridsen Skate Park Parking Lot with Polk County.

([Council Communication No. 23-318](#))
 - (B) [Setting](#) date of hearing on vacation of parkland located east of Illinois Street, south of University Avenue, and north of Interstate 235 and conveyance to Polk County, (7-17-23).
18. [On](#) vacation of a segment of 7th Street right-of-way adjoining 201 7th Street and approval of a lease agreement with the Street Collective for the placement of B-Cycle Program bicycle kiosks on vacated City right-of-way, (7-17-23).
19. [On](#) conveyance of 1012 SE 10th Street to Neighborhood Finance Corporation (NFC) for redevelopment of housing, (7-17-23).
20. [On](#) conveyance of a vacated portion of SW 4th Street right-of-way located between Porter Avenue and Diehl Avenue to Jess Johnson, \$450, (7-17-23).
21. [On](#) conveyance of a portion of excess City property located east of and adjoining 1700 Scott Avenue to C & C Realty, LLC, \$25,640, (7-17-23).
22. [On](#) request from Timelis Restorations (Carl Weideraenders, Officer) and Hawkeye Land Company (Rick Stickle, Officer) to rezone four (4) parcels located in the vicinity of 2142 E. Market Street from “I1” Industrial District to Limited “I2” Industrial District, to allow the use of the property for a staging area for concrete recycling and storage yard, (7-17-23).
23. [On](#) consideration of a License Agreement with Des Moines Art Center for installation, maintenance and display of artwork on the mechanical building within Evelyn K. Davis Park, (7-17-23).

([Council Communication No. 23-320](#))
24. [On](#) petition and proposal to take action for expansion and continuation of the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID), (7-17-23).
 - (A) [Receive](#) and file report and recommendation from the Plan and Zoning Commission.
25. [On](#) the proposition of the issuance of not to exceed \$22,000,000 Stormwater Management Utility Revenue Bonds, (8-7-23).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. [Accepting](#) payment regarding damage to City property.
27. [Approving](#) payment to MidAmerican Energy for a property damage claim.
28. [Approving](#) payment to Thomas Chambers.
29. [Approving](#) payment to Patrick Knueven.
30. [Approving](#) payment to Nicholas Underwood.

CITY MANAGER COMMUNICATIONS

31. [Submitting](#) travel and training request for Joseph Nolte and Sherill Whisenand.

[\(Council Communication No. 23-324\)](#)

APPROVING

32. [2023-2024](#) Emergency Solutions Grant (ESG) funding under the US Department of Housing and Urban Development (HUD).

[\(Council Communication No. 23-315\)](#)

- ~~33. [\\$1,000,000](#) Community Development Block Grant (CDBG) Agreement with BTB Investments 2, LLC for the rehabilitation of 1 duplex and 39 scattered site single unit rental properties.~~

~~[\(Council Communication No. 23-317\)](#)~~

34. [Reallocation](#) of Community Development Block Grant funding to prepare for, prevent, and respond to coronavirus (CDBG-CV) to Des Moines Area Religious Council (DMARC).

[\(Council Communication No. 23-314\)](#)

35. [Preliminary](#) terms of an Urban Renewal Development Agreement with 36 On 6th, LLC for the renovation of 3614 6th Avenue for a mixed-use building including commercial and multi-family residential.

[\(Council Communication No. 23-313\)](#)

36. [Grant](#) agreement with Forest Ave Rowhomes, LLC for an affordable housing project at 31st Street and Forest Avenue.

[\(Council Communication No. 23-312\)](#)

37. [American](#) Rescue Plan Act (ARPA) funding agreement with Trees Forever, Inc. for supplemental tree planting services.

[\(Council Communication No. 23-321\)](#)

38. [Submission](#) of application to the State of Iowa for the Iowa Thriving Communities designation.

[\(Council Communication No. 23-316\)](#)

39. [Uniform](#) amendment to skywalk agreements.

40. [28E](#) Agreement for the Administration and Funding of the Polk County Emergency Management Commission for Fiscal Years (FY) 2023, 2024, and 2025.

[\(Council Communication No. 23-298\)](#)

41. [Use](#) of various City Facilities as poll sites for precincts 24, 25, and 54 for the General Election on Tuesday, November 7, 2023.

42. Release of fire escrow at the following locations:

- (A) [1739](#) Capitol Avenue.
- (B) [1409](#) Sampson Street.

43. [Purchase](#) from Waldinger Corporation (Thomas Koehn, CEO) of Heating, Ventilation and Air Conditioning (HVAC) services during fiscal year 2024 per State of Iowa Master Agreement for use by Facilities Division, \$130,000.

[\(Council Communication No. 23-310\)](#)

44. Number not used.

45. [Non](#)-competitive purchase from Qwest Corporation d/b/a CenturyLink (Glen Post, CEO) of basic telephone services for use by the Information Technology Department, at a cost of up to \$190,000 annually, for a period of up to three (3) years.

[\(Council Communication No. 23-323\)](#)

46. Purchase from CDW Government, LLC (Christine A. Leahy, President and CEO) of computer and accessory equipment per State of Iowa DAS Agreements, Omnia Agreement and City of Des Moines Short Form Agreements for use by the Information Technology Department, not to exceed \$210,000.

(Council Communication No. 23-322)

47. Issuance of blanket purchase order for purchases of generator maintenance services from Interstate Power Systems (Travis Penrod, President) for use by the Facilities Division, estimated annual cost \$120,000.

(Council Communication No. 23-309)

48. Purchase from Sehic G&S, LLC (Bajro Sehic, Owner) of landscape installation for Fleur Drive medians phase two renovation project for use by the Parks and Recreation Department, \$119,503. (209 potential bidders, one (1) bid received).

(Council Communication No. 23-319)

49. Continuing contributions to the Greater Des Moines Partnership from calendar year 2023 through 2027.

50. Fund Transfer resolution of the City of Des Moines FY 2023.

51. Authorizing Finance Director to draw checks on registers for the weeks of June 26, July 3 and July 10, 2023; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 26, July 3 and July 10, 2023; to draw checks for biweekly payroll due June 30 and July 14, 2023.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 60)

52. 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, and Chester Smith and Nicole Ryan.

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by Chester Smith), requires six votes.

53. [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.
- (A) [First](#) consideration of ordinance above.
54. [Continuance](#) of hearing 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, to August 7, 2023.
55. [On](#) conveyance of excess City property located at the corner of E. Washington Avenue and DeWolf Street to Jackson Contracting, LLC, \$30,500.
56. [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.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Gerard D, Neugent, Manager), requires six votes.
57. [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.
- (A) [Approving](#) Operating Agreement with Sherman Hill Association, Inc. for the provision of services and activities within the Sherman Hill Association Self-Supported Municipal Improvement District (SSMID).
58. [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.

[\(Council Communication No. 23-302\)](#)

59. On Gray's Station Trunk Sanitary Sewer: 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), \$2,371,064.

(Council Communication No. 23-299)

- (A) Approval of contract and bond.

60. On Demolition of Former Public Works Facility at 216 SE 5th Street and 108 SE 5th Street: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Earth Services & Abatement, LLC d/b/a Iowa Demolition (Mike Berst, Managing Director), \$615,000.

(Council Communication No. 23-300)

- (A) Approval of contract and bond.

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

APPROVING II

61. Items regarding the Upper East Village Urban Renewal Area:

- (A) Resolution of Necessity.
- (B) First consideration of ordinance designating the Upper East Village TIF District No. 1.
- (1) Final consideration of ordinance above (waiver requested by Development Services Director), requires six votes.
- (C) Urban Renewal Development Agreement with HOA Aston, LLC for the construction of a 186-unit mixed-use apartment building at 603 E. 6th Street.

(Council Communication No. 23-311)

62. Item regarding membership with the Mid-Iowa Planning Alliance for Community Development: (**Choose one alternative below A or B**)

(A) [One](#) year extension of membership.

OR

(B) [Resignation](#) of membership.

62-I Items regarding the Vision Zero Transportation Safety Action Plan:

[\(Council Communication No. 23-308\)](#)

(A) [Approving](#) and adopting the Vision Zero Transportation Safety Action Plan and commitment to a goal to eliminate traffic deaths and serious injury by 2040 on streets within the City of Des Moines.

(B) [Approving](#) and authorizing the application for a United States Department of Transportation (USDOT) Safe Streets and Roads For All (SS4A) implementation grant.

ORDINANCE FIRST CONSIDERATION

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

[\(Council Communication No. 23-301\)](#)

(A) Parking Modification - 7th Street between Walnut Street and Locust Street; and on Walnut Street between 7th Street and 8th Street.

COMMUNICATIONS/REPORTS

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

(A) Adam Callanan

(B) Diana Sickles

(C) Kent Sovern

(D) Nicole Fritz

MOTION TO ADJOURN.

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