

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

**August 21, 2023**  
**5:00 PM**

**PROCLAMATIONS - 4:45PM**

Water and Wastewater Workers Week

Vote Smart

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 30:

**\*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 Liquor License applications for the following:

**NEW APPLICATIONS**

(A) CONFLUENCE BREWING CO	1235 THOMAS BECK RD	Class C Liquor
(B) DRAKE UNIVERSITY TURNER	1310 25TH ST	Special Class C
(C) EITHER OR	6222 GRAND AVE	Class C Liquor

**RENEWAL APPLICATIONS**

(D) 5 DE MAYO MEXICANT	5118 SE 14TH ST	Class C Liquor
(E) AJS ON EAST COURT	419 E COURT AVE	Class C Liquor
(F) ALLEGED LEES	510 E GRAND AVE	Class C Liquor
(G) BEER CAN ALLEY	409 COURT AVE	Class C Liquor
(H) BERNARDOS BURRITOS	215 4TH ST	Class C Liquor
(I) CASEYS GENERAL STORE #2784	4151 MERLE HAY RD	Class B Retail
(J) CHEAP SEATS	2301 HUBBELL AVE	Class C Liquor
(K) CROATIAN FRATERNAL	6575 INDIANOLA AVE	Class C Liquor

(L)	CVS PHARMACY #10162	3151 SE 14TH ST	Class E Liquor
(M)	DOLLAR STORE #13488	3220 MLK JR PKWY	Class B Retail
(N)	DRAKE UNIVERSITY-COURTSIDE	2601 FOREST AVE	Special Class C
(O)	DRAKE UNIVERSITY-LEVITT	2507 UNIVERSITY AVE	Special Class C
(P)	DZO	2611 INGERSOLL AVE	Class C Liquor
(Q)	GIT N GO STORE #36	4164 EASTON BLVD	Class B Retail
(R)	GRAND VIEW UNIVERSITY	2811 E 14TH ST	Class C Liquor
(S)	GUCKENHEIMER SERVICES	1900 SCOTT AVE	Class C Liquor
(T)	HY VEE MARKET CAFE #2	2540 E EUCLID AVE	Class C Liquor
(U)	KUM & GO #0731	3104 UNIVERSITY AVE	Class E Liquor
(V)	KUM & GO #120	6304 SW 9TH ST	Class B Retail
(W)	KUM & GO #536	1300 KEOSAUQUA WAY	Class B Retail
(X)	LINNS SUPERMARKET	3805 6TH AVE	Class B Retail
(Y)	MARLE HAY LIQUOR & SMOKE	3408 MERLE HAY RD	Class E Liquor
(Z)	OPEN SESAME	313 E LOCUST ST	Class C Liquor
(AA)	PAL JOEYS	6224 GRAND AVE	Class C Liquor
(BB)	SOUTHSIDE TOBACCO	2424 SW 9TH ST 1	Class E Liquor
(CC)	TEQUILAS LIQUOR STORE	1434 DES MOINES ST	Class E Liquor
(DD)	TOBACCO OUTLET PLUS #510	3409 SW 9TH ST	Class B Retail
(EE)	UP/DOWN	500 E LOCUST ST	Class C Liquor
(FF)	WAVELAND COFFEE SHOP	4704 UNIVERSITY AVE	Class C Liquor

#### SPECIAL EVENT APPLICATIONS

- (GG) APRES BAR CO 120 E 5TH ST 5 days  
CLASS C LIQUOR LICENSE FOR A WEDDING ON SEPTEMBER 9, 2023.
- (HH) APRES BAR CO 120 E 5TH ST 5 days  
CLASS C LIQUOR LICENSE FOR A WEDDING ON SEPTEMBER 3, 2023.
- (II) BEAVERDALE FALL FESTIVAL 2805 BEAVER AVE 5 days  
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR FESTIVAL ON  
SEPTEMBER 15 - 16, 2023.
- (JJ) DES MOINES OKTOBERFEST 2251 GEORGE FLAGG PKWY 5 days  
CLASS C LIQUOR LICENSE FOR EVENT ON SEPTEMBER 22 - 23, 2023.
- (KK) SA PRESENTS 2251 GEORGE FLAGG PKWY 5 days  
CLASS C LIQUOR LICENSE FOR JORDAN DAVIS CONCERT ON  
SEPTEMBER 15, 2023.
- (LL) SODEXO LIVE! 1 LINE DR 5 days  
CLASS C LIQUOR LICENSE FOR SAVANNA BANANAS ON AUGUST 25 - 26,  
2023.

(MM)TAI VILLAGE 4200 MLK JR PKWY 5 days  
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR FESTIVAL ON  
SEPTEMBER 2 - 3, 2023.

(NN)GOODSONS 2815 BEAVER AVE Class C Liquor  
TEMPORARY FOR BEAVERDALE FALL FESTIVAL ON SEPTEMBER 15 – 16,  
2023.

(OO)RICOCHET 400 LOCUST ST Class C Liquor  
TEMPORARY FOR TOUCHDOWN TAILGATE ON SEPTEMBER 9, 2023.

5. [City](#) Clerk to issue Coin Operated Machine Licenses.

### **PUBLIC IMPROVEMENTS**

6. [Approving](#) Private Construction Contract between Sternquist Construction, Inc. and DR Horton – Iowa, LLC for paving improvements in the Woods of Copper Creek Plat 7.
7. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
8. Accepting completed construction and approving final payment for the following:
  - (A) [E.](#) 30<sup>th</sup> Street and E. University Avenue Intersection Improvements, Grimes Asphalt and Paving Corporation.
  - (B) [MacRae](#) Park Improvements Phase 3, Minturn, Inc.

### **SPECIAL ASSESSMENTS**

9. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2023-07.
10. [Deletion](#) of NAC – Emergency Assessment at 326 E. Granger Avenue.

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

- 10-I [Recommendation](#) from Mayor T.M. Franklin Cownie to appoint Heather Ann Roe to the Zoning Board of Adjustment, Seat 1, to fill a vacancy with a term expiring April 1, 2026.

## **COMMUNICATIONS FROM PLANNING AND ZONING**

11. [Regarding](#) request from Bounthieng J. Egkhounmuong and Manichanh Egkhounmuong (owners) for vacation of 461 lineal feet of the easternmost undeveloped Hart Avenue right-of-way in the vicinity of 1540 Hart Avenue, for assembly with adjoining parcels.

## **SETTING DATE OF HEARINGS**

12. [On](#) a request from Southeast Polk Family Church (David L Harper, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification for the property from Low Density Residential to Community Mixed Use, and to rezone property located in the vicinity of 4101 E. 42<sup>nd</sup> Street from “P2” Public, Civic, and Institutional District to Limited “MX3” Mixed Use District to allow the use of the eastern portion of the property for a new Animal Service - Boarding use, (9-11-23).
13. [On](#) City-initiated request to amend the PlanDSM Creating Our Tomorrow Plan to adopt ReflectDSM: Honoring All Des Moines Histories (Historic Preservation Plan) and incorporate as an element, (9-11-23).
- (A) [Receive](#) and file communication from the Historic Preservation Commission.

## **CITY MANAGER COMMUNICATIONS**

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

[\(Council Communication No. 23-392\)](#)

## **APPROVING**

15. [Extension](#) of Community Development Block Grant (CDBG) funding allocation for Improving Our Neighborhoods (ION) activity delivery costs, as included under the Neighborhood Based Service Delivery (NBSD) and Code Enforcement line item in the City's 2020 Annual Action Plan, through June 30, 2024.

[\(Council Communication No. 23-388\)](#)

16. [Preliminary](#) Commitment of \$500,000 in Community Development Block Grant (CDBG) Funds to 36 ON 6<sup>th</sup>, LLC for rehabilitation of the Klein Building at 3614 6th Avenue, resulting in upper-story affordable rental units.

[\(Council Communication No. 23-391\)](#)

17. [Agreement](#) with Ahlers & Cooney, PC to provide municipal nuisance code litigation/real estate counsel services for the Blitz on Blight Program.

18. [First](#) Amendment to agreement with Iowa State University of Science and Technology (ISU) for application of technology-based solutions to assess property conditions.

[\(Council Communication No. 23-382\)](#)

19. [Execution](#) of a Contract (Cooperative Agreement) with the Iowa Civil Rights Commission.

[\(Council Communication No. 23-380\)](#)

20. [Submittal](#) of a joint application with Polk County for funding from the Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Grant (JAG) available through the Bureau of Justice Assistance and acceptance of a Memorandum of Understanding with Polk County.

[\(Council Communication No. 23-396\)](#)

21. [Approving](#) and authorizing the execution of agreement with Iowa Department of Natural Resources (IDNR) for the Federal Land and Water Conservation Fund (LWCF) program for Stone Park Pickleball and Basketball Courts Project.

[\(Council Communication No. 23-395\)](#)

22. [Ratification](#) of Iowa Department of Natural Resources (IDNR) Resource Enhancement and Protection (REAP) grant funding application seeking \$300,000 for Gray's Lake Paddlecraft Marina Development.

[\(Council Communication No. 23-393\)](#)

23. [Approval](#) of Donation Agreements for Des Moines North Side Community Recreation Center.

[\(Council Communication No. 23-394\)](#)

24. [Receipt](#) of the 2022 Annual Report of the Greater Des Moines Public Art Foundation as required by agreement.

25. [Third](#) Amendment to agreement for emergency medical ambulance billing and collection services with Digitech Computer, Inc.

26. Release of fire escrow at the following locations:

- (A) [5411](#) SE 6<sup>th</sup> Street.
- (B) [2945](#) Mahaska Avenue.

27. Abatement of public nuisance as follows:

- (A) [1200](#) Lewis Avenue.
- (B) [1450](#) E. Fleming Avenue.

28. [Purchase](#) from Environmental Systems Research Institute (ESRI) Inc. (Jack Dangermond, President) of annual software maintenance and support services for Geographic Information System (GIS) for use by the Information Technology Department, \$445,000 for the initial three-year term.

[\(Council Communication No. 23-385\)](#)

29. [Purchase](#) of ballistic personal protective systems from Galls, LLC (R. Michael Andrews, CFO) and Streicher’s Inc. (Jeremy Jennings, President) and approving use of NASPO ValuePoint Agreement and State of Iowa Master Agreement for use by the Police Department, estimated annual cost \$126,500.

[\(Council Communication No. 23-397\)](#)

30. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 21, 28, and September 4, 2023; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 21, 28 and September 4, 2023; to draw checks for biweekly payroll due August 25 and September 8, 2023.

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

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 31 THRU 36)**

- 31. [On](#) conveyance of vacated alley right-of-way located north of and adjoining 810 Shaw Street to Antonio Ramos, \$50.
- 32. [On](#) conveyance of City-owned property at 1603 Clark Street and 1700 13<sup>th</sup> Street to Woods Bibbin Company LLC for rehabilitation of housing.

[\(Council Communication No. 23-389\)](#)

33. On conveyance of City-owned property at 1617 22<sup>nd</sup> Street to Home Opportunities Made Easy, Inc. for rehabilitation of housing.

(Council Communication No. 23-390)

- (A) Approve 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 1617 22<sup>nd</sup> Street.

(Council Communication No. 23-387)

34. On a request from Sundry Church (Anthony J Hodges, Officer) for property located at 4100 6th Avenue and 4112 6th Avenue to rezone the northern 50 feet of the property from “P2” Public, Civic and Institutional District and “N3b” Neighborhood District to Limited “N3b” Neighborhood District to allow the property to be subdivided and used for a one-household residential use.

- (A) First consideration of ordinance above.

35. On appeal of Midwest Radio, Inc. (Rich Eychaner, Owner) on a denial of Type 2 Design Alternatives for a site plan on property located at 3839 Merle Hay Road. (**Choose one alternative below**)

- (A) Deny.

**OR**

- (B) Approve.

36. On appeal of Larry Keul on a denial of Type 2 Design Alternatives for a site plan on property located at 4424 SE 14<sup>th</sup> Street. (**Choose one alternative below**)

- (A) Deny.

**OR**

- (B) Approve.

**OR**

- (C) Approve retention of two existing access driveways on SE 14<sup>th</sup> Street only.

**OR**

- (D) Approve waiver of landscape requirements only.

\*\*\*\*END HEARINGS AT \_\_\_\_\_PM\*\*\*\*

## INFORMAL HEARING

37. [Authorization](#) to proceed with acquisition of the necessary property interests for the Central Place Levee Trail Phase 1 Project.

[\(Council Communication No. 23-383\)](#)

## APPROVING II

38. [Directing](#) advertisement for sale and approving electronic bidding procedures and [official statement](#) for \$72,630,000 General Obligation Bonds, Series 2023A. **(Bonds will be sold at a special meeting on Wednesday, October 4<sup>th</sup> at 4:30 PM)**
39. [Directing](#) advertisement for sale and approving electronic bidding procedures and [official statement](#) for \$21,755,000 Stormwater Management Utility Revenue Bonds Series 2023B. **(Bonds will be sold at a special meeting on Wednesday, October 4<sup>th</sup> at 4:30 PM)**
40. [Honorary](#) street naming of Streets in the vicinity of 13<sup>th</sup> Street and Grand Avenue as “World Record Way” to recognize the finish line location for record setting performances of the Drake Relays One Mile Road Race process initiation.

## ORDINANCES FIRST CONSIDERATION

41. [Continuing](#) and expanding the boundaries of the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) beginning July 1, 2024 and providing for the continuation of an operation fund and the levy of an annual tax in connection therewith, requires six votes.

[\(Council Communication No. 23-381\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Cody Christensen, Development Services Director), requires six votes.
42. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows:

[\(Council Communication No. 23-384\)](#)

- (A) Traffic Control Modifications – 21<sup>st</sup> Street and Carpenter Avenue.
- (B) Parking Restriction – Hull Avenue between E. 40<sup>th</sup> Court and E. 41<sup>st</sup> Court.
- (C) Code Correction – Addition of the intersection of 8<sup>th</sup> Street and Mulberry Street and 9<sup>th</sup> Street to the section relating to pedestrian safety and use of medians.
- (D) Parking Modification - Walnut Street between 13<sup>th</sup> Street and 15<sup>th</sup> Street.
- (E) New Pedestrian Signal – E. 17<sup>th</sup> Street and E. University Avenue.
- (F) Corner Clearance Parking Restrictions:
  - (1) E. 26th Street and Garden Street.



## REQUEST TO SPEAK

43. [Request](#) to speak as follows:

- (A) Don Baney
- (B) Adam Callanan
- (C) Bridget Botkin
- (D) Jolene Prescott
- (E) Bobby Dineen
- (F) David Hellstern

MOTION TO ADJOURN.

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