

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

**September 11, 2023
5:00 PM**

I. CLOSED SESSION – 3:30 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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PROCLAMATIONS – 4:45 PM

One Million Trees

REALTORS Day

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 45:

***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) HAUNT 500 LOCUST ST Class C Liquor

RENEWAL APPLICATIONS

(B) AMERICAN OUTLAWS 214 3RD ST Class C Liquor
 (C) ANDYS PLACE 5114 SW 9TH ST Class C Liquor
 (D) ANGRY GOLDFISH 2301 SW 9TH ST Class C Liquor
 (E) BOMB BAR 209 4TH ST Class C Liquor
 (F) CASEYS STORE #2314 3527 INDIANOLA AVE Class B Retail
 (G) CASEYS STORE #2676 2106 ECHO VALLEY DR Class E Liquor
 (H) CASEYS STORE #44 4560 E 14TH ST Class B Retail
 (I) CEVICHE 223 E WALNUT ST Class C Liquor
 (J) CLUB 2000 422 INDIANOLA RD Class C Liquor
 (K) CLYDES FINE DINER 111 E GRAND AVE 111 Class C Liquor
 (L) EL VALLE TIENDA 101 ARMY POST RD Class B Retail
 (M) FAREWAY STORES 100 E EUCLID AVE Class E Liquor
 (N) GAMEDAY LANES 3800 MERLE HAY RD Class C Liquor
 (O) GUSTO PIZZA BAR 2301 INGERSOLL AVE Class C Liquor
 (P) HOMEWOOD SUITES 7201 SW 22ND ST Special Class C
 (Q) HY VEE MARKET CAFE #3 3221 SE 14TH ST Class C Liquor
 (R) INDIA STAR 5514 DOUGLAS AVE Special Class C
 (S) NEW NORTHWESTERN 321 E WALNUT ST Class C Liquor
 (T) PLAYERS SPORTS BAR 1760 BEAVER AVE Class C Liquor
 (U) QUIK TRIP #560 2300 MLK JR PKWY Class B Retail
 (V) VICKIES 2801 2ND AVE Class C Liquor
 (W) VIVA MEXICAN 6101 GRAND AVE Class C Liquor
 (X) WALGREENS #00359 2545 E EUCLID AVE Class E Liquor
 (Y) WALGREENS #04714 4555 FLEUR DR Class E Liquor
 (Z) WALGREENS #05362 1330 E UNIVERSITY AVE Class E Liquor
 (AA) WALGREENS #05721 3140 SE 14TH ST Class E Liquor
 (BB) WALGREENS #05777 2930 E UNIVERSITY AVE Class E Liquor
 (CC) WALGREENS #05852 3030 UNIVERSITY AVE Class E Liquor
 (DD) WALGREENS #07452 4415 DOUGLAS AVE Class E Liquor
 (EE) WALGREENS #07453 104 E EUCLID AVE Class E Liquor
 (FF) WALGREENS #07833 3501 INGERSOLL AVE Class E Liquor
 (GG) WALGREENS #07968 6200 SE 14TH ST Class E Liquor
 (HH) WAL-MART 5101 SE 14TH ST Class E Liquor

(II)	WELLMANS PUB	2920 INGERSOLL AVE	Class C Liquor
(JJ)	XBK	1159 24TH ST #A	Class C Liquor

SPECIAL EVENT APPLICATIONS

(KK)	APRES BAR CO	519 PARK ST	5 days
	CLASS C LIQUOR LICENSE FOR A WEDDING ON OCTOBER 7, 2023.		
(LL)	APRES BAR CO	1201 GRANDVIEW AVE	5 days
	SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR A WEDDING RECEPTION ON SEPTEMBER 15, 2023.		
(MM)	COWLES LIBRARY	2257 UNIVERSITY AVE	5 days
	SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR DUCK STAMP CONTEST RECEPTION ON SEPTEMBER 15, 2023.		
(NN)	IMT DM MARATHON	313 WALNUT ST	5 days
	SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR EVENT ON OCTOBER 13 – 15, 2023.		
(OO)	IOWA LATINO HERITAGE	1000 GRAND AVE	5 days
	CLASS C LIQUOR LICENSE FOR FESTIVAL ON SEPTEMBER 23 – 24, 2023.		
(PP)	JEREMY SHEETS	3000 E GRAND AVE	5 days
	CLASS C LIQUOR LICENSE FOR A RECEPTION ON SEPTEMBER 16, 2023.		
(QQ)	SA PRESENTS	2251 GEORGE FLAGG PKWY	5 days
	CLASS C LIQUOR LICENSE FOR PAUL CAUTHEN CONCERT ON SEPTEMBER 29, 2023.		
(RR)	THIRSTY PIGS LLC	901 2ND AVE	5 days
	SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR DES MOINES STREETSTYLE OPEN ON SEPTEMBER 23, 2023.		
(SS)	YOUR PRIVATE BAR	4025 TONAWANDA DR	5 days
	CLASS C LIQUOR LICENSE FOR A WEDDING ON SEPTEMBER 16, 2023.		
(TT)	YOUR PRIVATE BAR	120 E 5TH ST	5 days
	CLASS C LIQUOR LICENSE FOR A WEDDING RECEPTION ON SEPTEMBER 15, 2023.		
(UU)	YOUR PRIVATE BAR	313 WALNUT ST	5 days
	CLASS C LIQUOR LICENSE FOR REALTOR ROCK THE BLOCK PARTY ON SEPTEMBER 26, 2023.		

OUTDOOR SERVICE APPLICATIONS

- (VV)CHRISTOPHERS DINING 2816 BEAVER AVE Class C Liquor
TEMPORARY FOR BEAVERDALE FALL FESTIVAL ON SEPTEMBER 15 – 16,
2023.

- (WW) NEW NORTHWESTERN 321 E WALNUT ST #160 Class C Liquor
TEMPORARY FOR DES MOINES STREETSTYLE OPEN ON SEPTEMBER 21,
2023.

- (XX)PARLOR 4041 URBANDALE AVE Class C Liquor
TEMPORARY FOR BEAVERDALE FALL FESTIVAL ON SEPTEMBER 15- 16,
2023.

PUBLIC IMPROVEMENTS

- 5. Ordering construction of the following:
 - (A) [Aurora](#) Avenue Lane Modifications from Beaver Avenue to Merle Hay Road: Receiving of bids, (10-3-23) and Setting date of hearing, (10-23-23), Engineer’s estimate, \$1,100,000.

[\(Council Communication No. 23-416\)](#)
 - (B) [1851](#) Hartford Avenue Grading and Restoration: Receiving of bids, (10-3-23) and Setting date of hearing, (10-23-23), Engineer’s estimate, \$270,000.

[\(Council Communication No. 23-417\)](#)
 - (C) [E.](#) University Avenue Improvements from E. 14th Street to E. 17th Court: Receiving of bids, (10-3-23) and Setting date of hearing, (10-23-23), Engineer’s estimate, \$1,300,000.

[\(Council Communication No. 23-411\)](#)
 - (D) [Glendale](#) Cemetery Pond Dredging Improvements: Receiving of bids, (10-3-23) and Setting date of hearing, (10-23-23), Engineer’s estimate, \$850,000.

[\(Council Communication No. 23-412\)](#)

- 6. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Bolton & Menk, Inc. for construction design and interpretation services for Western Gateway Water Feature Improvements, not to exceed \$24,500.

[\(Council Communication No. 23-415\)](#)

7. [Approving](#) Supplemental Agreement No. 3 to the Professional Services Agreement with Snyder & Associates, Inc. for construction administration services and additional design services for Carlisle Multi-Use Trail Connection, not to exceed \$44,260.

[\(Council Communication No. 23-410\)](#)

8. [Approving](#) completion and acceptance of private construction contract for storm sewer improvements at 2970 University Avenue between Elder Corporation and Broadlawns Medical Center.
9. [Communication](#) from contractors requesting permission to sublet certain items on public improvement project.
10. Accepting completed construction and approving final payment for the following:
 - (A) [Witmer](#) Park Playground and Restroom Improvements, Graphite Construction Group, Inc.
 - (B) [Downtown](#) Bumpouts and 12th Street from MLK to Grand, Jasper Construction Services, Inc.
 - (C) [Ashworth](#) Pool and Northwest Pool Painting Improvements, A1A Sandblasting (Iowa).
 - (D) [2022-2023](#) HMA Pavement Scarification and Resurfacing, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.

SPECIAL ASSESSMENTS

11. [Levy](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2023-08.
12. [Levy](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2023-08.
13. [Deletion](#) of rental inspection assessment at 1145 14th Place.

LAND/PROPERTY TRANSACTIONS

14. [Approval](#) of final subdivision plat and acceptance of subdivision bond for Ruby Rose Ridge Plat 2, in the vicinity of 2437 Brook View Drive.

[\(Council Communication No. 23-399\)](#)

15. [Approval](#) of final subdivision plat and acceptance of subdivision bond for Ruby Rose Ridge Plat 3, in the vicinity of 2706 E. 50th Court.

[\(Council Communication No. 23-400\)](#)

16. [Approval](#) of final subdivision plat for Northridge 80|35 Business Park Plat 1, in the vicinity of 900 and 990 E. Broadway Avenue.

[\(Council Communication No. 23-401\)](#)

17. [Authorization](#) to proceed with acquisition of the necessary property interests for the McKinley Avenue Reconstruction from SW 9th Street to SW 14th Street Project.

[\(Council Communication No. 23-402\)](#)

18. [Authorization](#) to proceed with acquisition of the necessary property interests for the E. University Avenue Improvements from E. 14th Street to E. 17th Court Project.

[\(Council Communication No. 23-413\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. [Recommendation](#) from Council Member Boesen to reappoint Deidre DeJear to the Housing Services Board, Seat 2, for a three-year term expiring June 30, 2026.

SETTING DATE OF HEARINGS

20. [On](#) vacation of a portion of E. 16th Street right-of-way and conveyance of a Permanent Easement for Building Encroachment to George M. Clayton, \$550, (10-2-23).
21. [On](#) conveyance of a Permanent Easement for Ingress and Egress in a portion of vacated 41st Street right-of-way located east of and adjoining 545 42nd Street to Plymouth Congregational Church of the United Church of Christ, (10-2-23).
22. [On](#) conveyance of excess City property located south of and adjoining 2720 Garden Road to Hurd Garden, LLC, \$23,300, (10-2-23).
23. [On](#) conveyance of 4130 Columbia Street to R.M. Madden Construction Inc. for rehabilitation of housing, (10-2-23).
24. [On](#) a License Agreement with Brittany-Ann Lynn Barajas-Lakose for use of a portion of undeveloped Arthur Avenue right-of-way located south of and adjoining 2503 E. 24th Street, (10-2-23).

25. [On](#) a License Agreement with 113 SW 8th Street, LLC for use of a portion of Vine Street right-of-way located between SW 7th Street and SW 8th Street, (10-2-23).
26. [On](#) request from WH II, LTD (Cynthia Steidl-Bishop, Officer) to amend PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Medium Density Residential and to rezone 5631 Francis Avenue from “N3b” Neighborhood District to “NX2” Neighborhood Mix District to allow for the expansion of a parking lot for an existing Group Living - Assisted Living Facility use, (10-2-23).
27. [On](#) the intent to commence a public improvement project to construct the East Army Post Road Trunk Sewer Project and to authorize acquisition of the necessary property interests, including agricultural land, for the project, (10-2-23).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. [Approving](#) payment to MidAmerican Energy for a property claim.

CITY MANAGER COMMUNICATIONS

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

[\(Council Communication No. 23-425\)](#)

APPROVING

30. [2023](#) Continuum of Care (CoC) Grant Program competitive application, including noncompetitive award of Youth Homelessness Demonstration Program renewal and replacement grants, to the US Department of Housing and Urban Development (HUD)

[\(Council Communication No. 23-421\)](#)

31. [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 3314 E. 7th Street.

[\(Council Communication No. 23-424\)](#)

32. [Rental](#) Housing Enhancement Program Policy and Procedures to address separation of shared forced air heating sources and knockout panels.

[\(Council Communication No. 23-423\)](#)

33. ~~First Amended and Restated Urban Renewal Development Agreement with North Des Moines Town Hall, LP for the renovation of 1601 6th Avenue into a mixed-use residential and commercial development.~~

~~([Council Communication No. 23-406](#))~~

34. [First](#) Amendment to the Parcel Development Agreement with Slate at Gray's Landing, LLC and River Point West LLC for The Slate at the northwest corner of SW 11th and Murphy Streets.

([Council Communication No. 23-404](#))

35. [First](#) Amendment to Minimum Assessment Agreement by and between City of Des Moines, Merle Hay Anchors, LLC and Polk County Assessor.

([Council Communication No. 23-405](#))

36. [Preliminary](#) terms of an urban renewal development agreement with FJ Management Inc. for the acquisition and retention of 250 jobs and a new 10-year lease for 40,000-square-foot of office space at 1100 Locust Street.

([Council Communication No. 23-407](#))

37. [Resolution](#) approving supplemental funding for the City's Neighborhood Block Challenge Grant (BCG) Program.

([Council Communication No. 23-422](#))

38. [Honorary](#) naming of 13th Street between Grand Avenue and Locust Street as "World Record Way".

39. [Agreement](#) for administration of the Greater Des Moines Recreational Activity Scholarship Program (GRASP) Program with IMPACT Community Action Partnership.

([Council Communication No. 23-408](#))

40. [Recyclables](#) Processing and Marketing Service Agreement with Metro Waste Authority (MWA).

([Council Communication No. 23-409](#))

41. [Authority](#) to enter into an extension of agreement with Voya for the provision of group life insurance, long term disability and supplemental insurance benefits for the period October 1, 2023 through June 30, 2024.

([Council Communication No. 23-418](#))

42. [Additional](#) action on the authorization of a Loan Agreement and the issuance of not to exceed \$50,000,000 General Obligation Capital Loan Notes (General Fund).

42-I [Fund](#) transfer resolution of the City of Des Moines FY 2023.

43. Abatement of public nuisance as follows:

- (A) [3308](#) SE 4th Street.
- (B) [1453](#) Capitol Avenue.

44. [Purchase](#) from Keltek Incorporated (Michelle Jensen, President and CEO) of 34 replacement Toughbook Tablets for use by the Fire Department per Minnesota WSCA-NASPO Master Agreement and State of Iowa Contract and approving supplemental agreement with Panasonic Connect North America, \$171,780.58.

[\(Council Communication No. 23-419\)](#)

45. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September 11, 18 and 25, 2023; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 11, 18 and 25, 2023; to draw checks for biweekly payroll due September 22, 2023.

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

HEARINGS (OPEN AT 5:00 PM.) (ITEMS 46 THRU 47)

46. [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. 42nd 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.

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

47. [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.

[\(Council Communication No. 23-403\)](#)

****END HEARINGS AT _____ PM****

ORDINANCES FIRST CONSIDERATION

48. [Amending](#) Chapters 10, 30 and 74 of the Municipal Code relating to liquor, wine or beer licenses.

([Council Communication No. 23-398](#))

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

([Council Communication No. 23-414](#))

- (A) Parking Modification – 24th Street between Forest Avenue and Clark Street and Forest Avenue between 24th Street and 25th Street.
- (B) Parking Modification – High Street between 24th Street and 28th Street.
- (C) Parking Modifications – Grand Avenue between 2nd Avenue and 3rd Street and Grand Avenue between 4th Street and 5th Avenue.

REQUEST TO SPEAK

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

- (A) Jeff Luke
- (B) Bridget Botkin
- (C) Dr. Sylvia Nemmers
- (D) Adam Callanan
- (E) Steven Bowman
- (F) Justin O’Neal
- (G) Jolene Prescott

EXTRA ITEM

1. [A](#) resolution finding a vacancy in the Office of Ward 1 Council Member and calling for a special election at the earliest practicable date of November 7, 2023 and directing the City Clerk to notify the Commissioner of Elections of the Council decision to call for a special election pursuant to Iowa Code and authorizing City staff to take all necessary actions to accomplish such direction. **Sponsors:** Mayor Cownie and Mayor Pro Tem Boesen.

MOTION TO ADJOURN.

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