

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

October 2, 2023
5:00 PM

PROCLAMATIONS – 4:40 PM

Energy Efficiency Day

National Coming Out Day

Fire Prevention Week

Italian American Heritage Month

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 63:

***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 APPLICATIONS

(A) JETHROS BBQ ALL STARS	221 PARK ST	Class C Liquor
(B) UNIVERSITY MARKET	2231 E UNIVERSITY	Class E Liquor

RENEWAL APPLICATIONS

(C) 85 BAR	432 E LOCUST ST	Class C Liquor
(D) ARAMARK @ NATIONWIDE	1100 LOCUST ST	Class C Liquor

(EE) WORLDWIDE FOOD TRUCK COURT AVENUE BRIDGE 5 days
CLASS C LIQUOR LICENSE FOR CENTRAL IOWA CYCLENATION ON
OCTOBER 5, 2023.

(FF) YOUR PRIVATE BAR 313 WALNUT ST 5 days
CLASS C LIQUOR LICENSE FOR CENTRAL IOWA CYCLENATION ON
OCTOBER 5, 2023.

OUTDOOR SERVICE

(GG) XBK 1159 24TH ST #A Class C Liquor
PERMANENT.

TRANSFER TO NEW LOCATION

(HH) OAK PARK RESTAURANT 3901 INGERSOLL AVE
PERMANENT FROM 1011 LOCUST STREET. Class C Liquor

4-I [Approving](#) 12-month Class C Liquor License for RRACKSS Fine Dining and Bistro at
401 E. Court Avenue, #300. Pending Building and Zoning Departments approval.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

(A) [4th](#) & Grand Parking Garage Electrical Improvements: Receiving of bids, (10-24-23)
and Setting date of hearing, (11-20-23), Engineer's estimate, \$580,000.

[\(Council Communication No. 23-437\)](#)

(B) [16th](#) Street Area Reconstruction and Trail Connection: Receiving of bids, (10-24-23)
and Setting date of hearing, (11-20-23), Engineer's estimate, \$3,300,000.

[\(Council Communication No. 23-439\)](#)

7. [Authorizing](#) issuance of a Notice of Intent to Enter into a Guaranteed Maximum Price
(GMP) Contract pursuant to Iowa Code Chapter 26A for the City Facility Expansion Phase
1 Improvements and authorization for staff to proceed pursuant to Iowa Code Chapter 26A.

[\(Council Communication No. 23-435\)](#)

8. [Ratification](#) of Iowa Department of Transportation (IDOT) Federal Recreational Trails (FRT) grant application requesting \$500,000 for the Central Place Levee Phase 1 Multi Use Recreational Trail project.

[\(Council Communication No. 23-449\)](#)

9. [Approving](#) Professional Services Agreement with SystemWorks LLC for commissioning services for the North Side Community Recreation Center (CRC) project, not to exceed \$141,375.

[\(Council Communication No. 23-434\)](#)

10. [Approving](#) Professional Services Agreement with Shive-Hattery, Inc. for the Central Place Levee Trail Phase 2, not to exceed \$439,400.

[\(Council Communication No. 23-431\)](#)

11. [Approving](#) Professional Services Agreement with RDG Planning & Design for the Skywalk Wayfinding Improvements, not to exceed \$146,100.

[\(Council Communication No. 23-438\)](#)

12. [Approving](#) Change Order No. 1 with InRoads, LLC for additional work on 2023-2024 HMA Pavement Scarification and Resurfacing, \$211,500.

[\(Council Communication No. 23-433\)](#)

13. Approving completion and acceptance of Private Construction Contracts between the following:

- (A) [Paving](#) Improvements in Grover Woods Plat 3 between Sternquist Construction, Inc. and Hubbell Realty Company.
- (B) [Sanitary](#) Sewer Improvements in Grover Woods Plat 3 between McAninch Corporation and HRC Grover Woods, LLC.
- (C) [Storm](#) Sewer Improvements in Grover Woods Plat 3 between McAninch Corporation and HRC Grover Woods, LLC.
- (D) [Sanitary](#) Sewer Improvements in 217 E. 2nd Street between Elder Corporation and 217 E Second, LC.

14. Accepting completed construction and approving final payment for the following:
 - (A) [SW](#) 63rd Street Resurfacing from Willow Creek Drive to Dead End north, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.
 - (B) [Brook](#) Run Park Improvements, Caliber Concrete, LLC.
 - (C) [Neal](#) Smith Trail Rehabilitation – Euclid Avenue to Saylor Creek Bridge, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.
 - (D) [2022](#) PCC Pavement Patching Program, TK Concrete, Inc.
15. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

SPECIAL ASSESSMENTS

16. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2023-09.

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Recommendation](#) from Council Member Boesen to appoint Sylvia Nemmers to the Access Advisory Board, Seat 2, for a four-year term expiring June 15, 2026.
18. [Recommendation](#) from Council Member Westergaard to appoint Jack Daugherty to the Parks and Recreation Board, Seat 9, for a four-year term expiring June 30, 2026.
19. [Recommendation](#) from Council Member Mandelbaum to appoint Erin Bowers to the Building and Fire Code Board of Appeals, Seat 6, for a three-year term expiring April 1, 2024.
20. [Recommendation](#) from Mayor T.M. Franklin Cownie to reappoint Cynde Fanter to the Parks and Recreation Board, Seat 1, for a four-year term expiring June 30, 2024.
21. [Recommendation](#) from Council Member Gatto to reappoint Laura Gibson to the Access Advisory Board, Seat 7, for a four-year term expiring June 15, 2026.
22. [Communication](#) from Giada Morresi advising of her resignation from the Transportation Safety Committee, Seat 4, effective immediately.
23. [Communication](#) from Candy Morgan advising of her resignation from the Building and Fire Code Board of Appeals, Seat 13, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

24. [Regarding](#) request from 106 SW 7th Street, LLC (Tim Rypma, Officer) for vacation of approximately 144 square feet of air right-of-way and approximately 40 square feet of surface right-of-way adjoining property at 106 SW 7th Street.
25. [Regarding](#) request from Thikra Madhawi (Owner) for vacation of approximately 160 lineal feet of the remaining undeveloped north/south alley right-of-way located in the vicinity of 1013 Scott Avenue in the block bounded by Shaw Street to the south, SE 11th Street to the east, Maury Street to the north, and SE 10th Street to the west.
26. [Regarding](#) request from MMR Enterprises, LLC (Mark Davis, Officer) for vacation of an “L”-shaped alley right-of-way located in the vicinity of 2400 Courtland Drive, where the right-of-way is bounded by Kirkwood Avenue to the north and Courtland Drive to the east.

SETTING DATE OF HEARINGS

27. [On](#) vacation of air and subsurface rights within 13th Street, Falcon Drive, Mulberry Street, and north/south alley right-of-way adjoining 1301 Mulberry Street, and conveyance of a Permanent Easement for Air Space Above City-owned property and a Permanent Easement for Subsurface Building Encroachment on City-owned property to 13th and Mulberry, LLC, \$24,100, (10-23-23).
28. [On](#) vacation of a portion of Hart Avenue right-of-way in the vicinity of 1540 Hart Avenue and conveyance to Bounthieng J. Egkhounmuong and Manichanh Egkhounmuong, \$800, (10-23-23).
29. [On](#) conveyance of City-owned property at 3116 Lincoln Avenue to Home Opportunities Made Easy (HOME), Inc. for redevelopment of housing, (10-23-23).
30. [On](#) request from Olen Homme (Owner) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Low-Medium Density Residential and to rezone 972 26th Street from “N5” Neighborhood District to Limited “N5-2” Neighborhood District to allow reuse of the existing structure for a two-household (duplex) residential use, (10-23-23).
31. [On](#) request from Lutheran Services of Iowa, Inc. (Dan Dean, Officer) to amend PlanDSM Creating Our Tomorrow Plan from Low Density Residential to Neighborhood Mixed Use and to rezone 3125 Cottage Grove Avenue from “N5” Neighborhood District to “RX1” Mixed Use District to allow expansion of an existing parking lot, (10-23-23).

32. [On](#) request from Brew Oil, LLC (Rupinder Kaur, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from Neighborhood Mixed Use to Community Mixed Use and to rezone 4140 Park Avenue from “RX1” Mixed Use District to “MX3” Mixed Use District to allow the redevelopment of an existing building as a convenience store with liquor sales, (10-23-23).
33. [On](#) request from Gerardo Perez (Owner) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from Low Density Residential to Neighborhood Mixed Use and to rezone 415 E. Euclid Avenue from “N5” Neighborhood District to “RX1” Mixed Use District, to bring the existing retail use into conformance with zoning requirement to allow use of the parking lot for a food truck (mobile vendor), (10-23-23).
34. [On](#) request from Riren, LLC (Michael Graham, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from Business Park to Community Mixed Use and to rezone 1500 E. Army Post Road from “EX” Mixed Use District to “CX” Mixed Use District to allow redevelopment of an existing building and the construction of a future building as an autobody shop, (10-23-23).
35. [On](#) request from Walnut Creek Trails, LLC (Scott Selix, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Parks and Open Space within a Development Control Zone to Community Mixed Use within a Development Control Zone and to rezone 6222 Grand Avenue from “RX1” Mixed Use District and “F” Flood District to Limited “MX2” Mixed Use District to allow the use of the property as a restaurant with a brewery component, (10-23-23).
36. [On](#) request from 1525 High Street, LLC (Edward Massman, Officer) to rezone 1525 High Street from “RX1” Mixed Use District to “MX2” Mixed Use District to allow expansion of an existing brewery and restaurant, (10-23-23).
37. [On](#) request from CS Family Properties, LLC (Cory Steiner, Officer) to rezone 3001 SW 9th Street from “RX1” Mixed Use District to Limited “MX3” Mixed Use District to allow use of the existing building for a vehicle detailing shop, (10-23-23).
38. [On](#) request from Electro Management Corp (Britt Baker, Officer) for review and approval of a 2nd Amendment to the City Gateway PUD Conceptual Plan, on two parcels located in the vicinity of 4240 Army Post Road to allow construction of new warehouse spaces and two parking lots, (10-23-23).
39. [On](#) assessment of \$500 penalty to alcoholic beverage license/permit holder for violation of Iowa alcoholic beverage laws, (10-23-23).
40. [On](#) proposed 2024 Action Plan for the U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (11-6-23).

41. [On](#) proposed Third amendment to the Urban Renewal Plan for the Oak Park-Highland Park Urban Renewal Area, (11-6-23).

[\(Council Communication No. 23-446\)](#)

42. [On](#) proposed Thirty-Third amendment to the Urban Renewal Plan for the Metro Center Urban Renewal Area, (11-6-23).

[\(Council Communication No. 23-428\)](#)

43. [On](#) lease agreement in the principal amount not-to-exceed \$225,000 for acquiring certain items of equipment consisting of three (3) motor graders and one wheel loader with snowplow, (10-23-23).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

44. [Approving](#) payment to Willis Automotive on behalf of Patrick and Nora Sweeney for a property claim.
45. [Approving](#) payment to Alex Dales and Auto Owners Insurance for a property damage claim.
46. [Approving](#) Waiver and Consent to Conflict of Interest in representation by Ahlers & Cooney, PC of the Des Moines Airport Authority in negotiating a 28E Agreement related to parking citation enforcement.
47. [Approving](#) Waiver and Consent to Conflict of Interest in representation by Ahlers & Cooney, PC of the Des Moines Airport Authority in negotiating an agreement for the City to provide services to the Authority.

APPROVING

48. [Commitment](#) of \$500,000 in Community Development Block Grant (CDBG) funds for rehabilitation of the Klein Building at 3614 6th Avenue, resulting in upper-story affordable rental units.

[\(Council Communication No. 23-443\)](#)

49. [Preliminary](#) commitment of \$300,000 in Community Development Block Grant (CDBG) funds for rehabilitation of the North Des Moines Townhall at 1601 6th Avenue, resulting in upper-story affordable rental units.

[\(Council Communication No. 23-444\)](#)

50. [First](#) Amendment and Restated Urban Renewal Development Agreement with North Des Moines Town Hall, LP (Chaden Halfhill and Kuuku Saah, Members) for renovation of existing building at 1601 6th Avenue.

[\(Council Communication No. 23-445\)](#)

51. [Second](#) Amendment to the Amended and Restated Urban Renewal Development Agreement with The District Developer, LLC to develop the master planned mixed-use redevelopment of 10 blocks of private and City-owned property located in the vicinity of E. 4th and E. Market Streets.

[\(Council Communication No. 23-429\)](#)

52. [Memorandum](#) of Understanding with Polk County and Downtown Des Moines Self-Supported Municipal Improvement District (“Operation Downtown”) for sharing the cost of security expenses.

[\(Council Communication No. 23-441\)](#)

53. [Agreement](#) with Iowa Homeland Security and Emergency Management Department (HSEMD) for award of 2023 Cybersecurity Risk Reduction Grant and Memorandum of Agreement with HSEMD for HSEMD to retain such grant for funding for use by the Iowa Office of the Chief Information Officer (OCIO)

[\(Council Communication No. 23-426\)](#)

54. [Agreement](#) with the U.S. Geological Survey for the operation and maintenance of five (5) stream gaging stations.

[\(Council Communication No. 23-448\)](#)

55. [Receipt](#) of communication from the Greater Des Moines Public Art Foundation regarding proposed mural concepts for the walls under the 9th Street Viaduct in downtown Des Moines.

56. [Donation](#) and Naming Agreement with Polk County Conservation Board (PCCB) for Easter Lake Park – Athene North Shore Recreation Area project.

[\(Council Communication No. 23-447\)](#)

57. Communication of fire escrow for the following:

- (A) [601](#) Cummins Road.
- (B) [1540](#) 32nd Street.

58. Release of fire escrow at the following locations:

- (A) [1804](#) Arlington Avenue.
- (B) [201](#) Grand Avenue #103

59. Abatement of public nuisances as follows:

- (A) [1000](#) E. Army Post Road.
- (B) [2026](#) SE 6th Street.
- (C) [4201](#) Hickman Road.
- (D) [5804](#) Harwood Drive.
- (E) [3848](#) E. 14th Street #55.
- (F) [2900](#) 1st Street.
- (G) [333](#) E, Park Avenue.
- (H) [3010](#) Oxford Street.
- (I) [712](#) Marion Street.
- (J) [7085](#) Bloomfield Road #12.

60. [Agreement](#) with Right Roofing & Siding, Inc. (Ryan Johnson, President) for full replacement of EPDM membrane roofing system in selected roof areas of Principal Park for use by the Engineering Department and Facilities Division, \$91,384.05.

[\(Council Communication No. 23-427\)](#)

61. [Exception](#) to competitive procurement process for good cause and approving Master Services Agreement with BlueAlly Technology Solutions, LLC (George Barkley, President) to provide professional services and software for data center colocation migration and project management in Phase 1 for use by the Information Technology Department, not to exceed \$548,450.56.

[\(Council Communication No. 23-440\)](#)

62. Number not used.

63. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 2, 9 and 16, 2023; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 2, 9 and 16, 2023; to draw checks for biweekly payroll due October 6 and 20, 2023.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 64 THRU 71)

64. 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.
- (A) First consideration of ordinance above.
65. 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.
66. On conveyance of excess City property located south of and adjoining 2720 Garden Road to Hurd Garden, LLC, \$23,300.
67. On conveyance of 4130 Columbia Street to R.M. Madden Construction Inc. for rehabilitation of housing.

(Council Communication No. 23-442)

68. 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.
69. 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.
70. 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 Limited “NX2” Neighborhood Mix District to allow for the expansion of a parking lot for an existing Group Living - Assisted Living Facility use.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Cynthia Steidl Bishop), requires six votes.
71. 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.

(Council Communication No. 23-436)

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

APPROVING II

72. [Request](#) from Wade Investments, LLC for a Certificate of Appropriateness to allow construction of a new mixed-use building on the west portion of the property occupied by Norden Hall Local Landmark at 425 E. Grand Avenue.
73. [Request](#) from Diocese of Des Moines for a Certificate of Appropriateness to allow installation of rooftop mechanical equipment with no mechanical screening on the American Federal Building Local Landmark at 601 Grand Avenue.
74. On requests from Riva Walters (owner), represented by Jennifer De Kock (legal counsel), for the following:

[\(Council Communication No. 23-430\)](#)

- (A) [Consideration](#) of an extension of time in which to file an appeal of a conditional approval of a Certificate of Appropriateness on property located at 685 20th Street.
(Choose 1 alternative below):
 - (1) Extend deadline.
- OR**
- (2) Decline to extend deadline.
- (B) **[ONLY CONSIDERED IF A\(1\) IS APPROVED.](#)** Setting date of hearing on an appeal of a conditional approval of a Certificate of Appropriateness on property located at 685 20th Street for the construction of a fence in the front yard, (10-23-23).

ORDINANCES – FIRST CONSIDERATION

75. [Amending](#) Sections 2-62, relating to the salary of the mayor and councilmembers, amending Section 2-112, relating to council attendance, by adding Section 2-113, relating to the determination of sanction and renumbering Section 2-112 to Sec. 2-114.
 - (A) [Final](#) consideration of ordinance above (waiver requested by City Attorney), requires six votes.

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

[\(Council Communication No. 23-432\)](#)

- (A) Corner Clearance Parking Restrictions
1. E. 37th Street and Indianapolis Avenue
 2. 40th Place and Crocker Street
 3. E. 42nd Street and Wilson Avenue
 4. 61st Street and Walnut Hill Drive
 5. Clark Street and 31st Street
 6. Nash Drive and Stephenson Way

REQUEST TO SPEAK

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

- (A) Lori Ann Young
(B) Adam Callanan
(C) Carrie Gosnell
(D) Dartanyan Brown
(E) Jolene Prescott

MOTION TO ADJOURN.

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