

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

November 6, 2023
5:00 P.M.

PROCLAMATIONS - 4:50 P.M.

National Apprenticeship Week

Gun Safety Awareness and National Injury Prevention Day

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 36:

***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) CHA CHAS HILAND BAKERY	3615 6TH AVE	Class C Liquor
(B) CHARLEES RESTAURANT & BAR	1130 E 9TH ST	Class C Liquor
(C) JACKS PLACE	6112 SW 9TH ST	Class C Liquor

RENEWAL APPLICATIONS

(D) ALDI INC #03	3940 E 14TH ST	Class B Retail
(E) ALDI INC #29	5512 SE 14TH ST	Class B Retail
(F) ALDI INC #38	2543 E UNIVERSITY	Class B Retail
(G) CASEYS GENERAL STORE #2892	6120 DOUGLAS AVE	Class B Retail
(H) CHIPOTLE MEXICAN GRILL	3737 MERLE HAY RD	Class C Liquor
(I) CROZ NEST EAST	3801 EASTON BLVD	Class C Liquor
(J) EL PARRANDERO	6401 SE 14TH ST	Class C Liquor
(K) ESTRADAS	3029 MERLE HAY RD	Class C Liquor

(L)	FRATERNAL ORDER OF EAGLES	6567 BLOOMFIELD RD	Class C Liquor
(M)	FREMONT	1030 E 9TH ST	Class C Liquor
(N)	GIT N GO STORE #19	890 COUNTY LINE RD	Class B Retail
(O)	GIT N GO STORE #3	100 WATROUS AVE	Class B Retail
(P)	GIT N GO STORE #42	806 SE 14TH ST	Class B Retail
(Q)	GIT N GO STORE #6	5736 FRANKLIN AVE	Class B Retail
(R)	HOQ RESTAURANT	303 E 5TH ST	Class C Liquor
(S)	IN & OUT MARKET	2127 MLK JR PKWY	Class E Liquor
(T)	JEANNIES BOTTLE	3839 MERLE HAY RD	Class C Liquor
(U)	JESSES EMBERS	3301 INGERSOLL AVE	Class C Liquor
(V)	KWIK STAR #1053	4105 HUBBELL AVE	Class B Retail
(W)	PURVEYOR	505 E GRAND AVE	Class C Liquor
(X)	QUIK TRIP #500	3700 HUBBELL AVE	Class E Liquor
(Y)	QUIK TRIP #534	2945 E UNIVERSITY AVE	Class E Liquor
(Z)	QUIK TRIP #554	901 SW 63RD ST	Class E Liquor
(AA)	SODEXO LIVE!	1 LINE DR	Class C Liquor
(BB)	TEEHEES COMEDY CLUB	1433 WALNUT ST	Class C Liquor
(CC)	TIPSY CROW TAVERN	102 3RD ST	Class C Liquor

OUTDOOR SERVICE APPLICATION

(DD)	RIVER CENTER	320 W MLK JR PKWY	Class C Liquor
	TEMPORARY FOR WHISKEYFEST ON NOVEMBER 18, 2023.		

SPECIAL EVENT APPLICATIONS

(EE)	IOWA EUROPEAN CULTURAL	1 LINE DR	5 days
	CLASS C LIQUOR LICENSE FOR CHRISTKINDLMARKET ON NOVEMBER 30 - DECEMBER 3, 2023.		
(FF)	MVP DSM	4600 PARK AVE	5 days
	CLASS C LIQUOR LICENSE FOR EXTREME/MAXIMUS BOXING ON NOVEMBER 11, 2023.		
(GG)	TANGERINE FOOD COMPANY	100 LOCUST ST	5 days
	CLASS C LIQUOR LICENSE FOR AN EVENT ON NOVEMBER 10, 2023.		
(HH)	TANGERINE FOOD COMPANY	100 LOCUST ST	5 days
	CLASS C LIQUOR LICENSE FOR AN EVENT ON NOVEMBER 17 - 18, 2023.		
(II)	WINEFEST DES MOINES	2800 UNIVERSITY AVE	5 days
	SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR DINING IN THE DARK ON NOVEMBER 16, 2023.		

5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

- (A) ~~Ingersoll Avenue Improvements from 28th Street to 31st Street: Receiving of bids, (11-28-23) and Setting date of hearing, (1-8-24), Engineer's estimate, \$4,260,000.~~

~~(Council Communication No. 23-499)~~

- (B) 2024 Sewer Repair Contract 1: Receiving of bids, (11-28-23) and Setting date of hearing, (1-8-24), Engineer's estimate, \$725,000.

(Council Communication No. 23-498)

- (C) Birdland Sports Complex Improvements: Receiving of bids, (11-28-23) and Setting date of hearing, (12-18-23), Engineer's estimate, \$1,730,000.

(Council Communication No. 23-500)

- (D) 2024 Riverwalk Improvements – Paver Replacement: Receiving of bids, (11-28-23) and Setting date of hearing, (1-8-24), Engineer's estimate, \$600,000.

(Council Communication No. 23-497)

- (E) Western Gateway Water Features: Receiving of bids, (12-5-23) and Setting date of hearing, (12-18-23), Engineer's estimate, \$820,000.

(Council Communication No. 23-496)

- ~~8. Approving exception to request for proposal process for good cause and approving Professional Services Agreement with Kirkham Michael & Associates, Inc. for Ingersoll Avenue Streetscape 31st Street to 35th Street, not to exceed \$396,730.~~

~~(Council Communication No. 23-492)~~

9. Approving Supplemental Agreement No. 3 to the Professional Services Agreement with Foth Infrastructure and Environment, LLC for Western Ingersoll Sewer Separation Phase 1, not to exceed \$207,000.

(Council Communication No. 23-493)

10. Approving Supplemental Agreement No. 4 to the Professional Services Agreement with Kirkham, Michael & Associates, Inc. for Ingersoll Avenue Streetscape 31st Street to Martin Luther King Jr. Parkway, not to exceed \$211,270.

(Council Communication No. 23-494)

11. [Approving](#) Private Construction Contract between Hegg Construction, LLC and IA9 Des Moines, LLC for storm sewer improvements in SE 14th Street.
12. Approving completion and acceptance of Private Construction Contracts between the following:
 - (A) [Priority](#) Excavating, LLC and Brook Landing, LLC for sanitary sewer improvements located south of E. Douglas Avenue (NE 38th Avenue) and west of NE 56th Street for Brook Landing Plat 2.
 - (B) [Priority](#) Excavating, LLC and Brook Landing, LLC for storm sewer improvements located south of E. Douglas Avenue (NE 38th Avenue) and west of NE 56th Street for Brook Landing Plat 2.
13. [Accepting](#) completed construction and approving final payment for Tower Park Futsal Court, Berkey Homebuilders, Inc. d/b/a Concrete Professionals.

SPECIAL ASSESSMENTS

14. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2023-10.

LAND/PROPERTY TRANSACTIONS

15. [Releasing](#) PUD Restoration Bond for Grover Woods Plat 1.
16. [Releasing](#) Subdivision Bond for Grover Woods Plat 1.
17. [Approving](#) 309 tax abatement applications for work completed in 2023.

[\(Council Communication No. 23-501\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. [Recommendation](#) from the Des Moines Area Regional Transit Authority to appoint Tony Filippini to the Transportation Safety Committee, Seat 10.
19. [Recommendation](#) from the Youth Advisory Board to appoint Nanees Abakar for a term expiring July 31, 2024.

COMMUNICATIONS FROM PLANNING AND ZONING

20. [Regarding](#) a request from Larry D. Henson (Owner) for vacation of approximately 1,250 square feet of the north/south segment of undeveloped E. 22nd Street right-of-way located immediately to the west of 2200 Elizabeth Avenue, and bounded by Easton Boulevard to the north, and Elizabeth Avenue to the south, to allow the vacated area to be assembled and maintained for private use.
21. [Regarding](#) a request from Rally Cap Properties, LLC (Ryan Francois, Officer) for vacation of the southernmost 100 lineal feet of a north/south alley right-of-way in the vicinity of 601 24th Street, which is within the block bounded by High Street to the south and Woodland Avenue to the north, to allow the vacated area to be maintained for private use.

SETTING DATE OF HEARINGS

22. [On](#) conveyance of vacated alley right-of-way located south of and adjoining 2917 Maple Street to Semir Salihovic, \$50, (11-20-23).
23. [On](#) conveyance of excess City property located at the northeast corner of E. Martin Luther King, Jr. Parkway and 10th Street adjoining 1001 Raccoon Street to Ecosource, LLC, \$2,275, (11-20-23).
24. [Conveyance](#) of a permanent easement for underground electric lines in a portion of Columbus Park to MidAmerican Energy Company, \$2,200, (11-20-23).
25. [On](#) a request from City of Des Moines Municipal Housing Agency to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low Density Residential to High Density Residential, and to rezone two (2) parcels located at 3312 8th Street and 3400 8th Street from “N5” Neighborhood District and “NX1” Neighborhood Mix District to “NX2” Neighborhood Mix District to allow construction of a new accessory storage and maintenance building and to bring the existing multi-household dwelling into conformance with zoning requirements, (11-20-23).
26. [On](#) a request from Lone Wolf Realty, LLC (Richard Hurd, Officer) to rezone land in the vicinity of 7900 Southridge Boulevard, from “MX3-V” Mixed Use District to “MX3” Mixed Use District, to allow the development of the property for “Vehicle Maintenance and Repair, Minor” and “Vehicle Sales” uses within the “Vehicle Sales and Services” category, (11-20-23).
27. [On](#) substantial amendments to the 2022 and 2023 Annual Action Plans under the 2020-2024 Consolidated Plan, updating the service area of the infrastructure and public facilities activity and reallocation of public service funding, (12-18-23).

APPROVING

28. [\\$500,000](#) of Community Development Block Grant (CDBG) funds for the infrastructure and site improvements associated with Habitat for Humanity Carter Circle project and development of 14 affordable homeownership units at 4320 E. 46th Street.

[\(Council Communication No. 23-489\)](#)

29. [Final](#) terms of an urban renewal development agreement with Mav KG, LLC for the acquisition and retention of 250 jobs and a new 10-year lease for 40,000 square-feet of office space at 1100 Locust Street.

[\(Council Communication No. 23-504\)](#)

30. [Second](#) Amendment to the Urban Renewal Development Agreement and acceptance of revised Conceptual Development Plan with Market One, LLC, to remove the south parking parcel from the agreement.

[\(Council Communication No. 23-502\)](#)

31. [Operating](#) agreement with the Friends of SW 9th for SW 9th Corridor Self-Supported Municipal Improvement District (SSMID).

[\(Council Communication No. 23-506\)](#)

32. [Acceptance](#) of the 2023 Project Safe Neighborhood Grant award through the Office of Drug Control Policy.

[\(Council Communication No. 23-486\)](#)

33. [Intergovernmental](#) transfer of public funds pursuant to agreement with Iowa Department of Human Services (IDHS) and approval of agreement for Fiscal Year 2024-2025.

[\(Council Communication No. 23-490\)](#)

34. [Amended](#) Schedule of Fees for Cemeteries under Chapter 34 of the City Code.

[\(Council Communication No. 23-487\)](#)

35. Abatement of public nuisances as follows:

- (A) [1150](#) 13th Street.
- (B) [2201](#) Riverwoods Avenue.
- (C) [108](#) E. Philip Street.
- (D) [101](#) Johnson Court.

36. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 6 and 13, 2023; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 6 and 13, 2023; to draw checks for biweekly payroll due November 17, 2023.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 37 THRU 51)

37. [On](#) conveyance of vacated alley right-of-way located east of and adjoining 737 SE 26th Court to Henry Artero and Celina Quijano, \$25.
38. [On](#) conveyance of excess City property locally known as 4209 51st Street to Charles A. Hughes and Cynthia A. Hughes, \$500.
39. [On](#) conveyance of a Permanent Easement for Sanitary Sewer Facilities in City property located south of the Des Moines River and north of Hartford Avenue between SE 1st Street and SE 22nd Street to Des Moines Metropolitan Wastewater Reclamation Authority.
40. [Vacation](#) of a portion of north-south alley right-of-way located east of and adjoining 611 and 625 SE 10th Street and conveyance to Thikra Noori Al Mahdawi and Salah Abdulrazzak Abdulwahab, \$200.
 - (A) [First](#) consideration of ordinance above.
41. [On](#) vacation of subsurface rights within Locust Street right-of-way adjoining 1716 Locust Street and conveyance of a Permanent Easement for Subsurface Building Encroachment on City-owned property to Meredith Operations Corporation, \$4,700.
 - (A) [First](#) consideration of ordinance above.
42. [On](#) a request from Jedd Corporation (Daniel R. Rice, Officer) to rezone property located in the vicinity of 4221 SE 14th Street from “MX3-V” Mixed Use District to “MX3” Mixed Use District to allow renovation of an existing building and property for “Vehicle Maintenance and Repair, Minor” and “Vehicle Sales” uses.
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.

43. On a request from Neighborhood Development Corporation (Abbey Gilroy, Officer) for property located at 1408 31st Street to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node, and to rezone the northern 50 feet from “MX1” Mixed Use District to “RX1” Mixed Use District to allow the development of the property in common with the parcels to the south for two (2) multiple-household apartment buildings.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by applicant), requires six votes.
44. On a request from 621-625 Ovid, LLC (Clarissa Cortez, Officer) for two (2) parcels located in the vicinity of 621 Ovid Avenue to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low Density Residential to High Density Residential and to rezone the property from “N5” Residential District to Limited “NX2” Mixed Use District to allow a 3rd dwelling unit within each of two (2) existing duplex structures **and to continue to November 20, 2023 Council meeting.**
45. 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 Limited “MX3” Mixed Use District to allow the redevelopment of an existing building as a convenience store with liquor sales. **(Continued from October 23, 2023) (Plan and Zoning Commission recommends DENIAL) (Requires six votes for approval)**
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
46. On a request from Starlink, LLC (Becky Hiu, Officer) for 1900 Arlington Avenue to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low-Medium Density Residential to High Density Residential and to rezone from “N5” Neighborhood District to “NX1” Mixed Use District to allow reuse of the existing structure for multiple-household residential use with up to seven (7) dwelling units **and to continue to November 20, 2023 Council meeting.**

47. On a request from Airport Development, LC (Stuart Ruddy, Officer); Scharnberg Real Estate, LLC (Mark Scharnberg, Officer); DSM Fleur Hospitality, LLC (Biren Patel, Officer); and West Lakes Properties, LC (Gerard D. Neugent, Officer) for property located in the vicinity of 2400 Gannett Avenue, for review and approval of a 3rd Amendment to the Airport Commerce Park South PUD Conceptual Plan for multiple parcels located in the vicinity of 2400 Gannett Avenue to allow use of metal siding, cladding, and roofing materials.

48. On request from Riva Walters (Owner) for 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. **(Continued from October 23, 2023) (Choose one alternative).**

(A) Approved with condition requiring set back from the property line.

OR

(B) Approved without condition requiring set back from the property line.

49. On proposed 2024 Action Plan for the U.S. Department of Housing and Urban Development (HUD) 2020-2024 Consolidated Plan.

(Council Communication No. 23-488)

~~50. Canceling public hearing On the proposed Third Amendment to the Urban Renewal Plan for the Oak Park Highland Park Urban Renewal Area.~~

~~(Council Communication No. 23-505)~~

~~(A) First consideration of ordinance terminating Oak Park Highland Park TIF District No. 3 and establishing Oak Park Highland Park TIF District No. 5.~~

~~(B) Final consideration of ordinance above (waiver requested by Cody Christensen, Development Services Director), requires six votes.~~

51. On proposed Thirty-third Amendment to the Urban Renewal Plan for the Metro Center Urban Renewal Area.

(Council Communication No. 23-503)

*** END HEARINGS AT _____ P.M. ***

ORDINANCES - FIRST CONSIDERATION

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

([Council Communication No. 23-491](#))

- (A) Parking Modification – Watrous Avenue between SW 56th Street and SW 61st Street.
- (B) Parking Modification – Maish Avenue, Rose Avenue, and Rose Circle.
- (C) Parking Modification – Ingersoll Avenue between Martin Luther King Jr. Parkway to 28th Street and 23rd Street between Ingersoll Avenue and Holcomb Avenue.
- (D) Code Correction – Intersection of 56th Street and Ingersoll Avenue.

53. Number not used.

COMMUNICATIONS/REPORTS

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

- (A) Brandi Ramus
- (B) Chad D Nelson
- (C) Laural Clinton
- (D) Jolene Prescott

MOTION TO ADJOURN.

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