

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

**November 20, 2023
5:00 PM**

I. CLOSED SESSION – 3:00 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 as 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 and Section 20.17(3) of the Iowa Code to discuss collective bargaining strategy.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

* * * * *

PROCLAMATIONS – 4:45 PM

Native American Heritage Month

Appreciation Day for the Iowa European Cultural Connection and the Des Moines Christkindlmarket

Swearing in for Chris Coleman, Ward 1 Council Member

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 38:

***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:

RENEWAL APPLICATIONS

(A)	821 SQ LIQUOR	821 E EUCLID AVE	Class E Liquor
(B)	BIANCHIS HILLTOP	2820 HUBBELL AVE	Class C Liquor
(C)	BREAKFAST CLUB	212 E 3RD ST #A	Class C Liquor
(D)	C FRESH MARKET	801 UNIVERSITY AVE #1	Class E Liquor
(E)	CHAMPS CLUB & PATIO	2279 HUBBELL AVE	Class C Liquor
(F)	FLIX BREWHOUSE IOWA	3800 MERLE HAY RD	Class C Liquor
(G)	GAMEDAY KITCHEN	3800 MERLE HAY RD	Class C Liquor
(H)	HIGH LIFE LOUNGE	200 SW 2ND ST	Class C Liquor
(I)	KUM & GO #4110	2110 GUTHRIE AVE	Class E Liquor
(J)	LA BAJA COSINA	1938 SE 6TH ST #101	Class C Liquor
(K)	PARK AVENUE PUB	1101 PARK AVE	Class C Liquor
(L)	QUIKTRIP #541	2428 HUBBELL AVE	Class B Retail
(M)	ROYAL MILE, THE	210 4TH ST	Class C Liquor
(N)	SAHOTA FOOD MART	1805 SE 14TH ST	Class E Liquor
(O)	SKIPS	4000 FLEUR DR	Class C Liquor
(P)	TUMEA AND SONS	1501 SE 1ST ST	Class C Liquor
(Q)	VARSITY CINEMA	1207 25TH ST	Class C Liquor

SPECIAL EVENT APPLICATIONS

- (R) APRES BAR CO 3206 UNIVERSITY AVE 5 days
CLASS C LIQUOR LICENSE FOR AN EVENT ON NOVEMBER 30, 2023.
- (S) APRES BAR CO 519 PARK ST 5 days
CLASS C LIQUOR LICENSE FOR AN EVENT ON DECEMBER 8, 2023.
- (T) CATHOLIC CHARITIES 601 GRAND AVE 5 days
CLASS F LIQUOR LICENSE FOR CATHOLIC CHARITIES CENTENNIAL TRIVIA ON DECEMBER 2, 2023.
- (U) SALISBURY HOUSE 4025 TONAWANDA DR 5 days
CLASS C LIQUOR LICENSE FOR EVENTS ON DECEMBER 1 - 3, 2023.
- (V) SALISBURY HOUSE 4025 TONAWANDA DR 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR HOLIDAY HIGH TEA AT THE CASTLE ON DECEMBER 9, 2023.
- (W) TANGERINE FOOD CO 100 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR AN EVENT ON NOVEMBER 25, 2023.

(X) YOUR PRIVATE BAR 1100 7TH ST BLDG 7 5 days
CLASS C LIQUOR LICENSE FOR IOWA STATE UNIVERSITY NETWORKING
RECEPTION ON NOVEMBER 28, 2023.

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

PUBLIC IMPROVEMENTS

7. [Approving](#) completion and acceptance of private construction contract between deWit Construction LLC and True Bible Baptist Church for paving improvements in 4102 N. Union Street.
8. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
9. Accepting completed construction and approving final payment for the following:
 - (A) [E. Douglas](#) Avenue Reconstruction – E. 42nd Street to E. 56th Street, Elder Corporation.
 - (B) [Pennsylvania](#) Avenue Rehabilitation from E. Washington to E. Jefferson, MPS Engineers, PC d/b/a Kingston Services, PC.

SPECIAL ASSESSMENTS

10. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2023-11.

BOARDS/COMMISSIONS/NEIGHBORHOODS

11. [Recommendation](#) from Council Member Voss to appoint Laura Kessel to the Plan and Zoning Commission, Seat 7, to fill a vacant term expiring June 30, 2024.

COMMUNICATIONS FROM PLANNING AND ZONING

- 11-I [On](#) a request from 6th Avenue Corridor Inc (Marquas Ashworth, Officer) for vacation of subsurface rights within the 6th Avenue right-of-way adjoining property in the vicinity of 1716 6th Avenue to allow building footings and foundations to encroach into the right-of-way.

SETTING DATE OF HEARINGS

12. [On](#) vacation of alley right-of-way extending 211 feet north from Clark Street between Martin Luther King, Jr. Parkway and 19th Street for the Fire Station 4 Relocation Project, (12-4-23).
13. [On](#) vacation of the south 100 feet of the north/south alley right-of-way located east of and adjoining 601 24th Street and conveyance to Rally Cap Properties, LLC, \$100, (12-4-23).
14. [On](#) vacation of a portion of E. 22nd Street right-of-way located west of and adjoining 2200 Elizabeth Avenue and conveyance to Larry D. Henson and Rita Henson, \$100, (12-4-23).
15. [On](#) vacation of air and surface rights within portions of SW 7th Street right-of-way adjoining 106 SW 7th Street and conveyance of a Permanent Easement for Air Space Above City-owned Property and a Permanent Easement for Building Encroachment-Door Swing to 106 SW 7th Street, LLC, \$370, (12-4-23).
16. [On](#) a request from Professor Holdings, LLC (Hua Sun, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low Density Residential within a Neighborhood Node to Medium Density Residential within a Neighborhood Node, and to rezone 1315 York Street from “N3c” Residential District to “N3c-4” Residential District, to allow expansion of the existing off-street parking area, (12-4-23).
17. [Setting](#) date of public hearing on the proposed Third Amendment to the Urban Renewal Plan for the Oak Park-Highland Park Urban Renewal Area, (12-4-23).

[\(Council Communication No. 23-514\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

18. [Approving](#) payment to Nationwide Insurance on behalf of its insured Isak Sivi for a property damage claim.
19. [Approving](#) payment to Nicholas Templeton in settlement of a lawsuit.

CITY MANAGER COMMUNICATIONS

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

[\(Council Communication No. 23-526\)](#)

APPROVING

21. [Main](#) Street Iowa Program Continuation Agreement with Iowa Economic Development Authority and 6th Avenue Corridor, Inc.

([Council Communication No. 23-511](#))

22. [First](#) Amended and Restated Urban Renewal Development Agreement with Hoyt, LLC for the construction of a 47-unit apartment building at 610 16th Street and a 44-unit apartment building at 1619 and 1613 High Street and approving Conceptual Development Plan.

([Council Communication No. 23-512](#))

23. [Issuance](#) of Certificate of Completion for the Kohl's site within the Merle Hay Mall Phase 3 – Merle Hay Commercial Area Urban Renewal Project.

24. [Preliminary](#) terms of an Urban Renewal Development Agreement with 1435 Mulberry, LLC for the construction of a new 202-unit mixed-use apartment project on property located at 1435 Mulberry Street.

([Council Communication No. 23-513](#))

25. [First](#) Addendum to Agreement for Tree Planting Services with Trees Forever, Inc. and authorizing City Manager to execute same.

([Council Communication No. 23-520](#))

26. [Agreements](#) for EMT training and for paramedic training between the Fire Department and Des Moines Area Community College.

([Council Communication No. 23-517](#))

27. [Agreement](#) with Warren County establishing new precincts for County Supervisors.

28. [Renewal](#) Addendum to Agreement with Creative Visions, LLC for Implementation Services for Violence Interruption Project (VIP).

([Council Communication No. 23-521](#))

29. [Accepting](#) awarded funding through the FY2023 Law Enforcement Agency De-Escalation Grant through the Community Oriented Policing Office of the Department of Justice in the amount of \$69,500.

([Council Communication No. 23-518](#))

30. Abatement of public nuisances as follows:

(A) [224](#) E. Payton Avenue.

(B) [2317](#) E. 16th Street.

31. [Purchase](#) from Housby Mack Inc. (Kelly Housby, CEO) of a replacement heavy-duty tandem axle truck chassis per Sourcewell Contract for use by the Public Works Department, \$143,478.

[\(Council Communication No. 23-524\)](#)

32. [Purchase](#) from Motorola Solutions, Inc. (Greg Brown, CEO) of M500 In-Car Video Systems and Video Manager and five (5) year subscription for service and maintenance per Sourcewell Master Agreement for use by the Police Department, \$1,500,080.

[\(Council Communication No. 23-519\)](#)

33. [Purchase](#) from Ziegler CAT Inc. (William Hoelt, President) of three (3) replacement compact track loaders and one (1) replacement mini-hydraulic excavator per Sourcewell Contract for use by various divisions of the Public Works and Parks and Recreation Departments, \$414,716.56

[\(Council Communication No. 23-522\)](#)

34. [Change](#) order to McNeilus Truck and Manufacturing purchase order of two (2) manual automated side loading solid waste collection bodies to be changed to two (2) front loading refuse bodies, additional amount of \$34,500.

[\(Council Communication No. 23-523\)](#)

35. [Supplement](#) to 2023 Senior Bond Issuance Certificate of Des Moines Metropolitan Wastewater Reclamation Authority Participating Community.

36. Items regarding tax increment needs for Fiscal Year (FY) 2024/2025, internal loans to the Tax Increment Fund, and approving the submittal of the Annual Urban Renewal Report (AURR):

[\(Council Communication No. 23-525\)](#)

(A) [Advance](#) of funds to the Metro Center Urban Renewal Project for planning, oversight, and administration, \$900,000.

(B) [Communication](#) from the City Manager on Tax Increment Financing (TIF) needs for FY 2024-2026 and certification of [TIF](#) indebtedness.

(C) [Urban](#) Renewal [Reports](#) for Urban Renewal Plans and Areas within the City of Des Moines.

- 37. [Authorizing](#) a form of loan agreement and providing for the issuance of \$50,000,000 Limited Levy General Obligation Capital Loan Notes, Series 2023C secured by general fund and approval of the Tax Exemption Certificate.
- 38. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 20 and 27, 2023; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 20 and 27, 2023; to draw checks for biweekly payroll due December 1, 2023.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 39 THRU 48)

- 39. [On](#) conveyance of vacated alley right-of-way located south of and adjoining 2917 Maple Street to Semir Salihovic, \$50.
- 40. [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.
- 41. [On](#) conveyance of a permanent easement for underground electric lines in a portion of Columbus Park, 1921 SE 1st Street, to MidAmerican Energy Company, \$2,200.
- 42. [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.
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by Chris Johansen, Executive Director), requires six votes.

43. 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. **(Requires six votes due to opposition)**
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the 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, **continued from the November 6, 2023 meeting.**
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
45. 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, **continued from the November 6, 2023 meeting. (Choose one alternative below)**
- (A) Deny.
- OR**
- (B) Continue the hearing to December 4, 2023 and direct the City Manager and Legal Department to prepare the necessary legislation to approve. (Final ordinance approval on December 4, 2023 will require six votes).

46. [On](#) 4th and Grand Parking Garage Electrical Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Van Maanen Electric, Inc. (Nathan S. Van Maanen, President), \$652,900.

[\(Council Communication No. 23-509\)](#)

- (A) [Approval](#) of contract and bond.

47. [On](#) 16th Street Area Reconstruction and Trail Connection: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Shekar Engineering, PLC (Chandra Shekar, President), \$3,261,617.37

[\(Council Communication No. 23-507\)](#)

- (A) [Approval](#) of contract and bond.

48. [On](#) 2024 Traffic Signal Replacement Contract 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Kline Electric, Inc. d/b/a Heartland Underground Solutions (Shane Kline, President), \$320,205.95

[\(Council Communication No. 23-508\)](#)

- (A) [Approval](#) of contract and bond.

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

ORDINANCE FIRST CONSIDERATION

49. [Amending](#) Chapter 30 of the Municipal Code relating to donation bins.

[\(Council Communication No. 23-516\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Erik Lundy, Deputy Director Neighborhood Services), requires six votes.
- (B) [Approving](#) amendment to Schedule of fees.

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

[\(Council Communication No. 23-510\)](#)

- (A) Parking Modification – 25th Street from University Avenue to Forest Avenue.
- (B) Parking Modification – Grand Avenue from 4th Street to 5th Avenue.
- (C) Parking Modification – SE 6th Street from East Elm Street to E. Vine Street.
- (D) Code Correction – Grand Avenue from 7th Street to 8th Street.
- (E) Parking Modification – SE 22nd Street between Evergreen Avenue and E. Marion Street.
- (F) Corner Clearance Parking Restrictions:
 - (1) E. 9th Street and Cleveland Avenue
 - (2) SW 28th Street and Caulder Avenue
 - (3) E. 36th Street and Hull Avenue
 - (4) 55th Street and Forest Avenue
 - (5) E. Sheridan Avenue and E 40th Court
 - (6) E. Sheridan Avenue and E 41st Street

COMMUNICATIONS/REPORTS

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

- (A) Joseph McCargar
- (B) Hannah Hayes
- (C) Peter Clay
- (D) Brad Titus
- (E) Veola Perry
- (F) Lowell Roode
- (G) Eddie Gutierrez
- (H) Carolyn Uhlenhake Walker
- (I) Denver Foote

EXTRA ITEM

1. [Resolution](#) in support of Des Moines Water Works joining Central Iowa Water Works.
Sponsor: Mayor Cownie.

MOTION TO ADJOURN.

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