

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

December 4, 2023
5:00 PM

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 26:

***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) BASIC BIRD	2607 BEAVER AVE	Class C Liquor
(B) MOXIE KITCHEN	4119 UNIVERSITY AVE	Class C Liquor

RENEWAL APPLICATIONS

(C) BUFFALO WILD WINGS	3311 SE 14TH ST	Class C Liquor
(D) EUROPA GROCERIES	3839 MERLE HAY RD	Class B Retail
(E) FONGS PIZZA	223 4TH ST	Class C Liquor
(F) GARDEN NIGHTCLUB	525 E GRAND AVE	Class C Liquor
(G) HY-VEE FOOD STORE #2	2540 E EUCLID AVE	Class E Liquor
(H) PEGGYS TAVERN	3020 FOREST AVE	Class C Liquor
(I) QUIK TRIP #523R	849 ARMY POST RD	Class B Retail
(J) QUIKTRIP #535	1501 E GRAND AVE	Class B Retail
(K) SENOR TEQUILA	3411 SE 14TH ST	Class C Liquor
(L) SMOKE SHOP	1918 SE 14TH ST	Class E Liquor
(M) SOUTH SIDE SMOKE/VAPE	3324 INDIANOLA AVE	Class B Retail
(N) SUDSUCKERS	1511 E ARMY POST RD	Class C Liquor
(O) SUPER QUICK 2	1824 HUBBELL AVE	Class E Liquor

- | | | | |
|-----|--------------|-----------------|----------------|
| (P) | TASTE! TO GO | 322 E COURT AVE | Class C Liquor |
| (Q) | TRIANGLE TAP | 2506 POST ST | Class C Liquor |
| (R) | WESLEY ACRES | 3520 GRAND AVE | Class F Retail |

SPECIAL EVENT APPLICATIONS

- (S) APRES BAR CO 304 15TH ST 5 days
CLASS C LIQUOR LICENSE FOR AN EVENT ON DECEMBER 9, 2023.
- (T) TANGERINE FOOD COMPANY 100 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR CANDLELIGHT CONCERT ON DECEMBER 9, 2023.
- (U) TANGERINE FOOD COMPANY 100 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR CANDLELIGHT CONCERT ON DECEMBER 20, 2023.
- (V) TANGERINE FOOD COMPANY 100 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR CANDLELIGHT CONCERT ON DECEMBER 15 - 16, 2023.
- (W) TOP IT OFF LIQUID CATERING 1011 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR FLYNN WRIGHT HOLIDAY PARTY ON DECEMBER 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) [Intelligent](#) Transportation Systems Upgrade – Phase 4: Receiving of bids, (12-19-23) and Setting date of hearing, (1-8-24), Engineer’s estimate, \$1,224,000.

([Council Communication No. 23-529](#))
 - (B) [Walnut](#) Street Bridge Replacement over the Des Moines River: Receiving of bids, (12-19-23) and Setting date of hearing, (1-8-24), Engineer’s estimate, \$19,846,988.10.

([Council Communication No. 23-532](#))

- (C) [University](#) Avenue – 39th Street to 48th Street Improvements: Receiving of bids, (1-9-24) and Setting date of hearing, (2-5-24), Engineer’s estimate, \$4,175,000.

[\(Council Communication No. 23-530\)](#)

- (D) [2024](#) Neighborhood Sidewalk Program Contract 1: Receiving of bids, (1-9-24) and Setting date of hearing, (2-5-24), Engineer’s estimate, \$2,100,000.

[\(Council Communication No. 23-528\)](#)

- (E) [Stone](#) Park Improvements: Receiving of bids, (1-9-24) and Setting date of hearing, (1-22-24), Engineer’s estimate, \$2,425,000.

[\(Council Communication No. 23-531\)](#)

8. [Accepting](#) completed construction and approving final payment for 2022 City-wide Traffic Calming Improvements, Minturn, Inc.

SPECIAL ASSESSMENTS

9. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2023-10.

SETTING DATE OF HEARINGS

10. [On](#) conveyance of vacated north/south alley right-of-way located east of and adjoining 1261 Dixon Street to Cortez R. Nichols and Denise C. Nichols, \$25, (12-18-23).
11. [On](#) a request from Thirteen Fifty, LLC (Jake Sparks, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low-Medium Density Residential to Neighborhood Mixed Use and to rezone 1350 E. Washington Avenue from “NX2” Neighborhood Mix District to “MX1” Mixed Use District, to allow renovation and reuse of the existing building for a mix of uses, such as office space, a studio, a café, and an urban garden, (12-18-23).
12. [On](#) a request from WC MRP Des Moines Center, LLC (Michaela Scott, Officer) for review and approval of a 2nd amendment to the Southdale PUD Conceptual Plan located at 4900 SE 14th Street, to allow the expansion of a retail use to include multiple outdoor storage and display areas, (12-18-23).
13. [On](#) appeal of Bradley and Belinda McAninch (owner) on a denial of Type 2 Design Alternatives for a site plan on property located at 4700 SE 14th Street to allow waiver of Priority 1 Sidewalk installation along E. Herold Avenue and waiver of a building transparency requirement on the primary façade, (12-18-23).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

14. [Approving](#) settlement and payment to Essence Welch.

CITY MANAGER COMMUNICATIONS

15. [Submitting](#) travel and training request for Connie Boesen.

[\(Council Communication No. 23-547\)](#)

APPROVING

16. [28E](#) Agreement between the City of West Des Moines, Polk County, Des Moines Municipal Housing Agency (DMMHA), and City of Des Moines for the Analysis of Impediments (AI) to Fair Housing.

[\(Council Communication No. 23-536\)](#)

17. [Final](#) terms of an Urban Renewal Development Agreement with Center at Sixth for the construction of a mixed-use project located at 1760 6th Avenue, Minimum Assessment Agreement and Conceptual Development Plan.

[\(Council Communication No. 23-545\)](#)

18. [Fourth](#) Amendment to the Urban Renewal Agreement with Nelson Development 1, LLC, to purchase and develop City-owned property at 418 E. Grand Avenue in the Metro Center Urban Renewal Area.

[\(Council Communication No. 23-548\)](#)

19. [Acceptance](#) of the 2024 Violence Against Women grant award from the Iowa Department of Justice, Office of the Attorney General, Crime Victim Assistance Division, \$21,446.

[\(Council Communication No. 23-541\)](#)

20. [Operation](#) and maintenance agreement with Des Moines Metro Disc Golf Club (DMMDGC) for Des Moines Disc Golf Courses.

[\(Council Communication No. 23-540\)](#)

21. [Amendments](#) to Schedule of Fees for fees collected by the City's Development Services Department.

[\(Council Communication No. 23-544\)](#)

22. [City](#) Street Financial Report to Iowa Department of Transportation (IDOT) for fiscal year 2023.

[\(Council Communication No. 23-539\)](#)

23. [Exception](#) to Request for Proposals Process for good cause shown and approving Administrative Services Agreement and authorizing the City Manager to enter into and execute such agreement with Nationwide Retirement Solutions as the City's exclusive deferred compensation provider through December 31, 2033.

[\(Council Communication No. 23-535\)](#)

24. [Purchase](#) from MacQueen Equipment (Dan Gage, President/CEO) of two (2) replacement street sweepers per Sourcewell Contract for use by the Public Works Department, \$609,912.45.

[\(Council Communication No. 23-534\)](#)

25. Abatement of public nuisances as follows:

- (A) [4105](#) 15th Street.
- (B) [1413](#) E. 16th Street.

26. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 4 and 11, 2023; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 4 and 11, 2023; to draw checks for biweekly payroll due December 15, 2023.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 27 THRU 33)

27. [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.

- (A) [First](#) consideration of ordinance above.

28. [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.

- (A) [First](#) consideration of ordinance above.

- (B) [Final](#) consideration of ordinance above (waiver requested by Ryan Francois, Manager, Rally Cap Properties, LLC), requires six votes.

29. 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.

(A) First consideration of ordinance above.

30. 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.

(A) First consideration of ordinance above.

31. 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.

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

32. On the proposed Third Amendment to the Urban Renewal Plan for the Oak Park-Highland Park Urban Renewal Area.

(Council Communication No. 23-543)

(A) First consideration of ordinance above repealing Ordinance 16,000 which established “Oak Park-Highland Park TIF District No. 3”.

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

33. On 2nd Avenue Reconstruction from University to the Des Moines River: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Synergy Contracting, LLC (Jesse Rognes, President), \$17,148,218.80.

(Council Communication No. 23-527)

(A) Approval of contract and bond.

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

APPROVING II

34. [Receive](#) and file the Public Works Stormwater Infrastructure Advisory Committee 2022 Annual Report.

([Council Communication No. 23-542](#))

35. [Approval](#) and adoption of the City of Des Moines Climate Action and Adaptation Plan (CAAP), [ADAPT DSM](#).

([Council Communication No. 23-546](#))

ORDINANCES FIRST CONSIDERATION

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

([Council Communication No. 23-533](#))

- (A) Speed Limit Modification – E. Broadway Avenue from the west city limits to Hubbell Avenue.
- (B) Corner Clearance – E. 12th Street between Hull Avenue and Ovid Avenue and Tiffin Avenue between E. 9th Street and E. 13th Street.
- (C) Code Correction – E. 35th Street between Hull Avenue and E. Euclid Avenue.
- (D) Code Correction – E. 22nd Street between Hubbell Avenue and Elizabeth Avenue.

COMMUNICATIONS/REPORTS

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

- (A) Hannah Hayes
- (B) Julie Burtnette
- (C) Adam Callanan
- (D) Luke Bascom
- (E) Denver Foote
- (F) Jacob Grobe
- (G) Tasida Barfoot
- (H) Marshall James
- (I) Samuel Hutchisson
- (J) Lu Hallmeyer
- (K) Chris Biagini
- (L) Ethan Lyon-Swackhammer
- (M) Jon Knapp McAlister
- (N) Desirea Solo

- (O) Luis Gomez
- (P) Josie Mulvihill
- (Q) Samuel Harrington
- (R) Harvey Harrison
- (S) Carolyn Uhlenhake Walker
- (T) Michaelyn Mankel

MOTION TO ADJOURN.

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