

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

December 18, 2023
5:00 PM

PROCLAMATIONS – 4:55 PM

National Homeless Persons’ Memorial Day

1. ROLL CALL:

I [Resolution](#) recognizing the contributions and accomplishments of Mayor T.M. Franklin Cownie on behalf of the City of Des Moines and its residents. Sponsored by Council Members Boesen, Gatto, Mandelbaum, Voss, Coleman and Westergaard.

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

3. APPROVING CONSENT AGENDA * – items 3 through 49:

***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) JK AFRICAN STORE	2312 UNIVERSITY AVE	Class B Retail
(B) TULLPA RESTAURANT	3708 MERLE HAY RD	Class C Liquor

RENEWAL APPLICATIONS

(C) AIR LANES	4200 FLEUR DR	Class C Liquor
(D) B & B SUPER MARKET	2001 SE 6TH ST	Class B Retail
(E) CHRISTOPHERS DINING	2816 BEAVER AVE	Class C Liquor
(F) DES MOINES CLUB	666 GRAND AVE #3400	Class F Retail
(G) FELIX & OSCARS	4050 MERLE HAY RD	Class C Liquor
(H) GIT N GO STORE #2	1307 ARMY POST RD	Class B Retail

8. [Approving](#) completion and acceptance of private construction contract between Team Excavating, Inc. and HDR Land Development, LLC for storm sewer improvements in The Woods of Copper Creek Plat 4.
9. [Communication](#) from contractor requesting permission to sublet certain items on public improvement projects.
10. Accepting completed construction and approving final payment for the following:
 - (A) [Evergreen](#) Park Shelter and Playground Improvements, Lansink Construction, Inc.
 - (B) [Watrous](#) Avenue from SW 56th Street to SW 61st Street, Vanderpool Construction, Inc.
 - (C) [Woodland](#) Cemetery Roadway Improvements, MPS Engineers, PC d/b/a Kingston Services, PC.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2023-11.
12. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2023-12.
13. Number not used.

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Approving](#) amendments to the Neighborhood Recognition Policy.

[\(Council Communication No. 23-550\)](#)
15. [Approving](#) Linda Westergaard as Public Official and Robert Mahaffey as Senior Representative to the Aging Resources of Central Iowa Board of Directors for the calendar year 2024.
16. Number not used.
17. [Approving](#) appointment of Josh Mandelbaum to the IMPACT Community Action Partnership.

18. [Approving](#) reappointment of Mayor-Elect Connie Boesen and Carl Voss and appointment of Scott Sanders to the Invest DSM Board.
19. [Approving](#) Joe Gatto as Primary and Chris Coleman as Alternate Members to the Metro Waste Authority (MWA) for the calendar year 2024.
20. [Approving](#) the Primary and Alternate Members to be appointed and serve on the Metropolitan Planning Organization (MPO) for the 2024 calendar year.
21. [Approving](#) appointment of Josh Mandelbaum to the Polk County Housing Trust Fund (PCHTF) Board of Directors.
22. [Approving](#) appointment of Mayor-Elect Connie Boesen to the Walnut Creek Watershed Management Authority Board of Directors.
23. [Approving](#) the Primary and Alternate Members to be appointed and serve on the Des Moines Wastewater Reclamation Authority for the calendar year 2024.
24. [Communication](#) from Scotney Fenton advising of his resignation from the Historic Preservation Commission, Seat 10, effective December 31, 2023.

COMMUNICATIONS FROM PLANNING AND ZONING

25. [Regarding](#) a request from 1435 Mulberry, LLC (Andrew Juiris, Officer) for vacation of subsurface rights within the Mulberry Street right-of-way adjoining property at 1435 Mulberry Street, to allow the encroachment of proposed building footings.
26. [Regarding](#) a request from Merge, LLC (Brent Dahlstrom, Officer) for property in the vicinity of 1236 24th Street for vacation of air right-of-way within the 25th Street right-of-way, to allow the encroachment of a proposed building awning, and for vacation of subsurface right-of-way within the Carpenter Avenue right-of-way to allow the encroachment of proposed building footings.

SETTING DATE OF HEARINGS

27. [On](#) vacation of an L-shaped alley right-of-way located in the block bounded by Kirkwood Avenue to the north, Lacona Avenue to the south and Courtland Drive to the east, and conveyance to various adjoining property owners, (1-8-24).
28. [On](#) vacation of a dead-end section of alley right-of-way located in the block bounded by E. Oak Park Avenue to the north, E. Ovid Avenue to the south and York Street to the east, and conveyance to adjoining property owners, (1-8-24).
29. [On](#) vacation of approximately 180 feet of the north/south alley right-of-way extending south from Carpenter Avenue between 24th Street and 25th Street and conveyance to Merge, LLC for \$23,200, and acceptance of a Permanent Easement for Public Ingress and Egress, (1-8-24).
30. [On](#) release and replacement of a permanent underground electric line easement in City property located at 1553 Maury Street to MidAmerican Energy Company for the new City of Des Moines greenhouse facility, (1-8-24).
31. [On](#) a request from City of Des Moines to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low-Medium Density Residential to Public/Semi-Public and to rezone multiple parcels located in the vicinity of 1907 Clark Street from “NX1” Neighborhood Mix District to “P2” Public, Civic, and Institutional District to allow the construction of a new Fire Station (Des Moines Fire Department Station #4) building, (1-8-24).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

32. [Approving](#) payment in settlement to Lawrence Hoffman for a personal injury claim.
33. [Approving](#) payment in settlement to Kendal Sams and Octavius Coplen for their personal injury claims.

APPROVING

34. [Approving](#) Second Amendment to Urban Renewal Agreement with East Village Tower Partners LLC for continued redevelopment of The Lyon Apartments at 600 E. 5th Street.

[\(Council Communication No. 23-555\)](#)

35. [City](#) Manager to negotiate and execute an estoppel agreement and grant agreement with AHEPA 192-IV, Inc., AHEPA 192-IV APARTMENTS GP, LLC and AHEPA 192-IV APARTMENTS, LP for an affordable senior housing facility at 1111 E. Army Post Road.

36. [Grant](#) agreement with Ryan Companies US, Inc. to obtain Iowa Economic Development Authority (IEDA) Certified Site Status for a development located between E. Army Post Road and E. Pine Avenue and between SE 45th Street and SE 36 Street.

[\(Council Communication No. 23-554\)](#)

37. [Consent](#) to Assignment of Grant Agreement with Union at Rivers Edge, LP.
38. [City](#) Consent to Assignment of Municipal Grant from Park Indy, LLC to Fortress Bank.
- 38-I [Authorizing](#) City Manager to negotiate and execute incentive for Anawim Housing or related entity.
39. [Authorizing](#) City acquisition of certain properties by tax sale certificate assignment and approving further City assignment of such certificates and associated agreements for the development and/or rehabilitation of housing.

[\(Council Communication No. 23-551\)](#)

40. [Skywalk](#) Corridor Surface Lease Agreement with Downtown DSM, Inc.
41. [Amended](#) parking meter rate for time zone I.
42. [Execution](#) of the Iowa Department of Natural Resources (IDNR) Resource Enhancement and Protection (REAP) grant agreement for the Gray's Lake Parking Lot, Trail, and Dock Improvements project.

[\(Council Communication No. 23-560\)](#)

43. [Communication](#) from Greater Des Moines Partnership on behalf of the Iowa Caucus Consortium requesting approval of placement for up to 20 banners to be displayed downtown beginning the first week of January 2024.
44. [Amendment](#) to the Schedule of Fees applicable to bonds for donation bins in Chapter 30 Article V of the Municipal Code.
45. Abatement of public nuisances as follows:
 - (A) [1540](#) Capitol Avenue.
 - (B) [511](#) E 27th Street.
 - (C) [2621](#) SE 14th Street.
 - (D) [2124](#) & 2126 E Caulder Avenue.

46. [Receipt](#) of Des Moines Water Works budget for calendar year ending December 31, 2024.

47. [Exception](#) to the procurement ordinance process for good cause and approving an amendment to the agreement with Easy Vista, Inc. (Patrice Barbedette, CEO) for Information Technology Service Management (ITSM) Software, not to exceed \$249,366.75.

[\(Council Communication No. 23-567\)](#)

48. [Exception](#) to the procurement ordinance process for good cause and authorizing negotiation and execution of agreement with Intergraph Corporation d/b/a Hexagon Safety Infrastructure (Steven Cost, President) for Computer Aided Dispatch (CAD) System.

[\(Council Communication No. 23-566\)](#)

49. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 18 and 25, 2023 and January 1, 2024; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 18 and 25, 2023 and January 1, 2024; to draw checks for biweekly payroll due December 29, 2023.

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

HEARINGS (OPEN AT 5:00 PM) (ITEMS 50 THRU 58)

50. [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.
51. [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.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

52. [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 **and to continue to the January 8, 2024 Council meeting.**

53. [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.

(A) Type 2 Design Alternative #1- Sidewalk Installation (**Choose one option below**)

(1) Deny Sidewalk Installation Type 2 Design Alternative.

OR

(2) Approve Sidewalk Installation Type 2 Design Alternative.

(B) Type 2 Design Alternative #2 – Primary Façade Transparency (**Choose one option below**)

(1) Deny Primary Façade Transparency Type 2 Design Alternative.

OR

(2) Approve Primary Façade Transparency Type 2 Design Alternative.

54. [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.

[\(Council Communication No. 23-549\)](#)

55. [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. **Continued from the December 4th Council meeting.**

[\(Council Communication No. 23-557\)](#)

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

56. On Burke Park Sprayground: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Brothers Cleaning Corporation d/b/a Brothers Concrete (Josecito Valero, President), \$574,965.79.

(Council Communication No. 23-563)

- (A) Approval of contract and bond.

57. On Birdland Sports Complex Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Caliber Concrete, LLC (Jason Martin, Owner), \$1,593,240.

(Council Communication No. 23-561)

- (A) Approval of contract and bond.

58. On Western Gateway Water Features: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Caliber Concrete, LLC (Jason Martin, Owner), \$852,270.75

(Council Communication No. 23-562)

- (A) Approval of contract and bond.

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

ORDINANCES FIRST CONSIDERATION

59. Amending Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows:

(Council Communication No. 23-565)

- (A) Speed Limit Modification – Martin Luther King Jr. Parkway/Fleur Drive from Ingersoll Avenue to Army Post Road.
- (B) Parking Modifications – 100 Locust Development - Second Avenue, Grand Avenue and Locust Street.
- (C) Code Corrections – E. Grand Avenue – Des Moines River to E 4th Street.
- (D) Speed Limit Modification – 48th Street from University Avenue to Hickman Road.
- (E) Corner Clearance Parking Restrictions:
- (1) McKinley Avenue and SW 18th Street.
 - (2) Hart Avenue and South Union Street.

60. [Amending](#) Chapter 74 of the Municipal Code relating to Parks and Recreation.

([Council Communication No. 23-558](#))

- (A) [Final](#) consideration of ordinance above (waiver requested by Ben, Page, Parks and Recreation Director), requires six votes.
- (B) [Approval](#) of Updated Des Moines Parks and Recreation Rules.

([Council Communication No. 23-559](#))

COMMUNICATIONS/REPORTS

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

- (A) Laural Clinton
- (B) Garland Armstrong
- (C) Monika Owczarski
- (D) Adam Callanan
- (E) Lu Hallmeyer
- (F) Cassandra Monroe
- (G) Denver Foote
- (H) Giada Morresi
- (I) Michaelyn Mankel
- (J) Tasida Barfoot

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