

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

**January 8, 2024  
5:00 PM**

**I. CLOSED SESSION – 4:20 PM**

(A) Roll Call.

(B) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph j, of the Iowa Code, to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property.

(C) Closed Session.

(D) Terminate closed session and reconvene in open session.

(E) Motion to adjourn.

**Swearing in Ceremony 4:40 PM**

**Connie Boesen, Mayor  
Carl Voss, At-Large  
Linda Westergaard, Ward II  
Joe Gatto, Ward IV**

1. ROLL CALL:

I [Approving](#) naming the building at 1200 Locust Street as the T.M. Franklin Cownie City Administration Building and waiving City Council Naming Policy.

II [Amending](#) the Procedural Rules of the City Council.

III Reappointment of the following:

(A) [City](#) Manager.

(B) [City](#) Attorney.

(C) [City](#) Clerk.

(D) [Chief](#) Deputy City Clerk and Deputy City Clerk.

(E) [Chief](#) Deputy City Attorney, Deputy City Attorneys and Assistant City Attorneys.

IV [Recommendation](#) of Mayor Boesen for appointment of Council Member Carl Voss as Mayor Pro Tem for Calendar Year 2024.

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

3. APPROVING CONSENT AGENDA \* – items 3 through 29:

**\*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 APPLICATION

|                         |                   |                 |
|-------------------------|-------------------|-----------------|
| (A) EASTGATE LAUNDROMAT | 1424 E OVID AVE   | Special Class C |
| (B) FUZZYS TACO SHOP    | 300 W MLK JR PKWY | Class C Liquor  |

### RENEWAL APPLICATIONS

|                          |                              |                 |
|--------------------------|------------------------------|-----------------|
| (C) A DONG RESTAURANT    | 1511 HIGH ST                 | Special Class C |
| (D) BAILEYS PUB N GRUB   | 918 E EUCLID AVE             | Class C Liquor  |
| (E) CASEYS STORE #2641   | 2849 E EUCLID AVE            | Class B Retail  |
| (F) CASEYS STORE #2786   | 5150 E 14TH ST               | Class E Liquor  |
| (G) ESTRADAS             | 3029 MERLE HAY RD            | Class C Liquor  |
| (H) GIT N GO STORE #24   | 1142 42 <sup>ND</sup> ST     | Class B Retail  |
| (I) GIT N GO STORE #27   | 1240 KEOSAUQUA WAY           | Class B Retail  |
| (J) HIGHLAND PARK        | 3712 2ND AVE                 | Class F Retail  |
| (K) HOLIDAY INN EXPRESS  | 333 SW 11TH ST               | Class B Retail  |
| (L) HOMEGROWN CRESCENT   | 555 17 <sup>TH</sup> ST #102 | Class C Liquor  |
| (M) HY VEE FOOD STORE #1 | 3330 MLK JR PKWY             | Class E Liquor  |
| (N) LA CABANA MEXICAN    | 1435 ARMY POST RD            | Class C Liquor  |
| (O) MLK LIQUOR LLC       | 3424 MLK JR PKWY             | Class E Liquor  |
| (P) MORTYS PLACE         | 2117 E UNIVERSITY AVE        | Class C Liquor  |
| (Q) PRIMOS TEX MEX       | 1140 E ARMY POST RD          | Class C Liquor  |
| (R) QUIK TRIP #544       | 3941 SE 14TH ST              | Class E Liquor  |
| (S) SHOP N SAVE #2       | 1372 E 14TH ST               | Class E Liquor  |
| (T) STAYBRIDGE SUITES    | 201 E LOCUST ST              | Class B Retail  |
| (U) STRIKING SPARROW     | 1930 SE 6TH ST               | Class C Liquor  |
| (V) TARGET STORE T-2041  | 5901 DOUGLAS AVE             | Class E Liquor  |
| (W) UNIVERSITY LIBRARY   | 3506 UNIVERSITY AVE          | Class C Liquor  |

### SPECIAL EVENT APPLICATIONS

(X) CHRISTIANIS EVENTS 4025 TONAWANDA DR 5 days  
CLASS C LIQUOR LICENSE FOR AN EVENT ON JANUARY 19, 2024.

(Y) TANGERINE FOOD CO 100 LOCUST ST 5 days  
CLASS C LIQUOR LICENSE FOR MAD HATTER EXPERIENCE ON  
JANUARY 18 - 20, 2024.

5. [City](#) Clerk to issue Coin Operated Machine Licenses.

## **PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:

(A) [63<sup>rd</sup>](#) Street Trail from SW McKinley Avenue to the Raccoon River: Receiving of bids, (1-23-24) and Setting date of hearing, (2-19-24), Engineer's estimate, \$1,722,000.

[\(Council Communication No. 24-010\)](#)

(B) [Ingersoll](#) Avenue Improvements from 28<sup>th</sup> Street to 31<sup>st</sup> Street: Receiving of bids, (1-23-24) and Setting date of hearing, (2-5-24), Engineer's estimate, \$4,260,000.

[\(Council Communication No. 24-005\)](#)

(C) [Woodland](#) Cemetery Retaining Wall Replacement: Receiving of bids, (1-23-24) and Setting date of hearing, (2-19-24), Engineer's estimate, \$750,000.

[\(Council Communication No. 24-011\)](#)

(D) [Union](#) Park Rocket Slide Repair: Receiving of bids, (2-6-24) and Setting date of hearing, (2-19-24), Engineer's estimate, \$610,000.

[\(Council Communication No. 24-012\)](#)

7. [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.

[\(Council Communication No. 24-004\)](#)

8. [Approving](#) exception to Request for Proposal process for good cause and approving a Professional Services Agreement with Kirkham Michael & Associates, Inc. for the Ingersoll Avenue Streetscape (31st Street to 35th Street) Project, not to exceed \$396,730.

[\(Council Communication No. 24-003\)](#)

9. [Approving](#) Professional Services Agreement with Foth Infrastructure and Environment, LLC for E. Army Post Road Reconstruction (SE 14<sup>th</sup> Street to Indianola Avenue), not to exceed \$488,000.

[\(Council Communication No. 24-016\)](#)

10. Accepting completed construction and approving final payment for the following:
  - (A) [Pennsylvania](#) Avenue Reconstruction from north of E. University Avenue to E. Washington Avenue, InRoads, LLC.
  - (B) [2022](#) HMA Resurfacing Program Contract 1, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.
  - (C) [Intelligent](#) Transportation System Phase 2, Iowa Signal, Inc.
  - (D) [2022](#) HMA Residential Paving Program Contract 1, Grimes Asphalt and Paving Corporation.
  - (E) [2022](#) HMA Residential Paving Program Contract 2 – LOSST, InRoads, LLC.
  - (F) [River](#) Bend and King Irving Sewer Separation Phase 3A, Rognes Corp.
  - (G) [2023](#) Sidewalk Replacement Program, B.T. Construction, LLC.
  - (H) [Drake](#) Observatory Foundation Repair, Gruss Construction, LLC.
  - (I) [6<sup>th</sup>](#) Avenue Streetscape – College Avenue to University Avenue, Hawkeye Paving Corporation.

## **SPECIAL ASSESSMENTS**

11. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2024-01.
12. Deletion of NAC – Emergency Assessments as follows:
  - (A) [1176](#) Martin Luther King Jr. Parkway.
  - (B) [1118](#) 23<sup>rd</sup> Street.

## LAND/PROPERTY TRANSACTIONS

13. [Approval](#) of final subdivision plat and subdivision bond for Woods of Copper Creek Plat 6.

[\(Council Communication No. 24-015\)](#)

## BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Approving](#) Connie Boesen as Primary and Chris Coleman as Alternate members to the Des Moines Area Regional Transit (DART) Authority for the calendar year 2024.
15. [Approving](#) recommendation from Mayor Connie Boesen to appoint Whitney Baethke and reappoint Council Member Carl Voss and Assistant City Manager Malcolm Hankins to the Neighborhood Development Corporation (NDC) Board of Directors for the calendar year 2024.
16. [Approving](#) appointments to the Food Security Task Force.

[\(Council Communication No. 24-020\)](#)

## COMMUNICATIONS FROM PLANNING AND ZONING

17. [Regarding](#) a request from Neighborhood Development Corporation (Abbey Gilroy, Officer) for the following regarding 2211 University Avenue: vacation of approximately 40 square feet of air right-of-way on University Avenue to allow the encroachment of a proposed building awning; vacation of approximately 24 square feet of surface right-of-way on 22nd Street to allow the encroachment of a proposed building door swing; vacation of approximately 90 square feet of surface right-of-way on the western north/south alleyway adjoining the subject property to allow the encroachment of proposed trash enclosure gates; and vacation of approximately 1,761 square feet of subsurface right-of-way on 22nd Street, University Avenue, and the adjoining western north/south alleyway to allow the encroachment of proposed building footings.

## SETTING DATE OF HEARINGS

18. [On](#) vacation of air and surface rights in a portion of 6<sup>th</sup> Avenue right-of-way adjoining 3614 6<sup>th</sup> Avenue and conveyance of a Permanent Easement for Air Space Above City-owned Property and a Permanent Easement for Building Encroachment to 36 on 6th, LLC, \$1,120, (1-22-24).
19. [On](#) vacation of subsurface rights in a portion of 6th Avenue right-of-way in the vicinity of 1716 6th Avenue and conveyance of a Permanent Easement for Subsurface Building Encroachment on City-owned Property to Center at Sixth, \$450, (1-22-24).

20. [On](#) a request from MidAmerican Company (Terry L. Smith, Officer) and The District Developer, LLC (Tim Rypma, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Downtown Mixed Use to Public/Semi-Public, and to rezone multiple parcels located in the vicinity of 200 SE 2nd Street from Limited “DXR” and Limited “DX1” Downtown Districts to Limited “P2” Public, Civic, and Institutional District to allow the development of the space for a park and an accessory surface parking area, (1-22-24).
21. [On](#) a request from Sundry Church (Anthony J. Hodges, Officer) to rezone 4112 6th Avenue from Limited “N3b” Neighborhood District to “N3b” Neighborhood District, to remove the zoning condition that requires at least one (1) off-street motor vehicle parking space located outside of the front yard area on any parcel that contains a one-household residential use, (1-22-24).

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

22. [Approving](#) payment to Michael Whitlatch.

#### **CITY MANAGER COMMUNICATIONS**

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

[\(Council Communication No. 24-018\)](#)

#### **APPROVING**

24. [Acceptance](#) of 2024 Justice Assistance Innovation Grant through the Office of Drug Control Policy, \$8,245.

[\(Council Communication No. 24-019\)](#)

25. [Authorizing](#) bidding at Sheriff’s sale for 1401 E. 12th Street.

[\(Council Communication No. 24-013\)](#)

26. [Grant](#) application to the EMC Insurance Foundation for a six-month Mobile Integrated Healthcare pilot program through the Des Moines Fire Department.

[\(Council Communication No. 24-021\)](#)

27. [Purchase](#) from Henderson Products Inc. (John Sievert, President) of replacement snow and ice control equipment per Sourcewell Contract for use by the Public Works Department, \$272,442.

[\(Council Communication No. 24-007\)](#)

28. [Purchase](#) from Housby Heavy Equipment Inc. (Kelly Housby, CEO) of one (1) replacement tracked excavator per Sourcewell Contract for use by the Public Works Department, \$227,279.

[\(Council Communication No. 24-006\)](#)

29. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 8 and 15, 2024; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 8 and 15, 2024; to draw checks for biweekly payroll due January 12, 2024.

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

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 30 THRU 39)**

30. [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.

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

31. [On](#) vacation of approximately 180 feet of the north-south alley right-of-way extending south from Carpenter Avenue between 24<sup>th</sup> Street and 25<sup>th</sup> Street and conveyance to Merge, LLC for \$23,200, and acceptance of a Permanent Easement for Public Ingress and Egress.

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

32. [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.

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

33. [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.

34. [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.

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

(B) [Final](#) consideration of ordinance above (waiver requested by Ann Sobiech Munson, City Architect), requires six votes.

35. [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 January 22, 2024.**

36. [On](#) 2024 Riverwalk Improvements – Paver Replacement: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Alpha Landscapes LLC (Riley Marvin, Owner), \$447,870.

[\(Council Communication No. 24-008\)](#)

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

37. [On](#) 2024 Sewer Repair 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 Absolute Concrete Construction, Inc. d/b/a Absolute Group (Sonny Hall, President), \$745,518.70.

[\(Council Communication No. 24-001\)](#)

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

38. [On](#) Intelligent Transportation Systems Upgrade – Phase 4: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Iowa Signal, Inc. (Wayne Lesley, President), \$991,856.24.

[\(Council Communication No. 24-002\)](#)

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



39. [On](#) Walnut Street Bridge Replacement over 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 Cramer and Associates, Inc. (Robert Cramer, President/CAO), \$19,116,030.20.

[\(Council Communication No. 24-009\)](#)

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

\*\*\*\*END HEARINGS AT \_\_\_\_\_PM\*\*\*\*

### **ORDINANCES FIRST CONSIDERATION**

40. Amending Chapters 26 and 46 of the Municipal Code to adopt the 2021 editions of the International Building Code, International Residential Code, International Existing Building Code and International Fire Code:

[\(Council Communication No. 24-014\)](#)

- (A) [Amending](#) Chapter 26 of the Municipal Code relating to buildings and building regulations.
- (B) [Amending](#) Chapter 46 of the Municipal Code relating to fire prevention and protection.

### **COMMUNICATIONS/REPORTS**

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

- (A) Adam Callanan
- (B) Lu Hallmeyer
- (C) Chris Biagini
- (D) Tanja Garrison
- (E) Harvey Harrison
- (F) John Noble
- (G) Carrie Gosnell
- (H) Josie Mulvihill
- (I) Denver Foote
- (J) Elizabeth Doerrfeld
- (K) Thomas Mbutshu

MOTION TO ADJOURN.

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