

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

January 22, 2024
5:00 PM

PROCLAMATION – 4:50 PM

Slavery and Human Trafficking Prevention Month

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 43:

***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) FIVE STARZ RESTAURANT 1951 INDIANOLA AVE Class C Liquor

RENEWAL APPLICATIONS

(B)	300 CRAFT & ROOFTOP	300 W MLK JR PKWY	Class C Liquor
(C)	801 STEAK AND CHOP HOUSE	801 GRAND AVE #200	Class C Liquor
(D)	ALBA RESTAURANT 5	19 DES MOINES ST	Class C Liquor
(E)	APOSTO	644 18TH ST	Class C Liquor
(F)	CASEYS GENERAL STORE #2244	2150 E ARMY POST RD	Class B Retail
(G)	CASEYS GENERAL STORE #2322	4331 PARK AVE	Class B Retail
(H)	E 25TH ST PUB & GRUB	509 E 25TH ST	Class C Liquor
(I)	FAREWAY STORES INC #183	4313 FLEUR DR	Class E Liquor
(J)	FAST MART	1621 UNIVERSITY AVE	Class E Liquor
(K)	FLYING MANGO	4345 HICKMAN RD	Class C Liquor
(L)	GIT N GO STORE #18	6501 SE 14TH ST	Class B Retail

(M)	GIT N GO STORE #29	4900 URBAN DALE AVE	Class B Retail
(N)	GIT N GO STORE #32	2911 DOUGLAS AVE	Class B Retail
(O)	HAIKU SUSHI INC	1315 31ST ST	Class C Liquor
(P)	HY VEE #6	420 COURT AVE	Class E Liquor
(Q)	HY VEE MARKET GRILLE #6	420 COURT AVE	Class C Liquor
(R)	IOWA TAPROOM	215 E 3RD ST #100	Class C Liquor
(S)	KUM & GO #573	5830 SE 14TH ST	Class E Liquor
(T)	LA TAPATIA 2	3504 MERLE HAY RD	Class B Retail
(U)	LIFT	222 4TH ST	Class C Liquor
(V)	MAD MEATBALL PIZZERIA	210 SW 11TH ST	Class C Liquor
(W)	MAGGIES RUMBLE ROOM	1430 2ND AVE	Class C Liquor
(X)	MARIANAS	1305 UNIVERSITY AVE	Special Class C
(Y)	MARVS MUSIC	506 E 6TH ST #200	Special Class C
(Z)	PALMERS DELI & MARKET	2843 INGERSOLL AVE	Class C Liquor
(AA)	PUEBLO VIEJO	3841 E 14TH ST	Class C Liquor
(BB)	QUINTONS BAR & GRILL	506 E GRAND AVE	Class C Liquor
(CC)	SNAKE PIT LOUNGE	3100 MCKINLEY AVE	Class F Retail
(DD)	TANGERINE FOOD COMPANY	4700 GRAND AVE	Class C Liquor
(EE)	TOBACCO OUTLET PLUS #521	3301 E EUCLID AVE	Class B Retail
(FF)	VARIED INDUSTRIES BLDG	3000 E GRAND AVE	Special Class C

SPECIAL EVENT APPLICATIONS

- (GG) CAMPBELLS CONCESSIONS 3000 E GRAND AVE 14 days
CLASS C LIQUOR LICENSE FOR THE BEEF EXPO ON FEBRUARY 10 - 18, 2024.
- (HH) TANGERINE FOOD COMPANY 100 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR MAD HATTER/FEVER EVENT ON FEBRUARY 2, 2024.

TRANSFER TO NEW LOCATION

- (II) ELWELL FAMILY FOOD CENTER 3000 E GRAND AVE Class C Liquor
TEMPORARY TO THE ANIMAL LEARNING CENTER FOR AN EVENT ON FEBRUARY 3, 2024.

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) [SE](#) 22nd Street Traffic Calming Improvements: Receiving of bids, (2-6-24) and Setting date of hearing, (3-4-24), Engineer's estimate, \$315,000.

[\(Council Communication No. 24-031\)](#)

- (B) [56th](#) Street from Grand Avenue to South of Robertson Drive: Receiving of bids, (2-6-24) and Setting date of hearing, (3-4-24), Engineer's estimate, \$330,000.

[\(Council Communication No. 24-030\)](#)

- (C) [2024](#) Neighborhood Sidewalk Program Contract 2: Receiving of bids, (2-6-24) and Setting date of hearing, (2-19-24), Engineer's estimate, \$570,000.

[\(Council Communication No. 24-032\)](#)

8. [Approving](#) Supplemental Agreement No. 1 with Bolton & Menk, Inc. for additional work on Stone Park Sprayground Design, not to exceed \$219,500.

[\(Council Communication No. 24-026\)](#)

9. Approving completion and acceptance of Private Construction Contracts between the following:

- (A) [Ryan](#) Companies US, Inc. and The District Developer for Storm Sewer, Sanitary Sewer and Paving Improvements located along E. 3rd Street from Market Street to Vine Street for Market District Phase 1B.

- (B) [Gator](#) Excavating, Inc. d/b/a Absolute Infrastructure and Galway Homes, Inc. for Sanitary Sewer Improvements located at 335 Forest Avenue for 335 Forest Avenue Condos.

10. Accepting completed construction and approving final payment for the following:

- (A) [SW](#) 9th St Bridge Replacement over Middle South Creek, Herberger Construction Company, Inc.

- (B) [Easton](#) Boulevard Reconstruction – E. 33rd Street to Fourmile Creek, All Star Concrete, LLC.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2024-01.
12. [Levying](#) Assessments for costs of Sewer Repair at 1929 Jefferson Avenue Schedule No. 2024-01.

LAND/PROPERTY TRANSACTIONS

13. [Approval](#) of final subdivision plat and subdivision bond for Woods of Copper Creek Plat 7.

[\(Council Communication No. 24-023\)](#)

14. [Releasing](#) subdivision bond for Woods of Copper Creek Plat 1.
15. [Releasing](#) subdivision bond for Woods of Copper Creek Plat 2.
16. [Partially](#) releasing subdivision bond for Woods of Copper Creek Plat 3.
17. [Releasing](#) subdivision bond and PUD restoration bond for Woods of Copper Creek Plat 4.
18. [Releasing](#) subdivision bond and PUD restoration bond for Woods of Copper Creek Plat 5.
19. [Releasing](#) subdivision bond for Woods on the River Plat 10.
20. [Releasing](#) PUD restoration bond for Woods on the River Plat 11.
21. [Releasing](#) PUD restoration bond for Gray's Station.
22. [Releasing](#) subdivision bond for Gray's Station Plat 2.
23. [Releasing](#) subdivision bond for Bridge District Plat 2.

BOARDS/COMMISSIONS/NEIGHBORHOODS

24. [Approving](#) recommendation of Mayor Connie Boesen to appoint Mike Ludwig to the Neighborhood Development Corporation (NDC) Board of Directors effective immediately.
25. [Authorize](#) and appoint Major David Ness and Superintendent of Technical Services Michele Bischof as the primary members of the Joint 911 Service Board with Bradley Button, Katie McGhee and Fire Marshal Jonathan Lund serving as alternate members.

26. [Approving](#) recommendation from Mayor Connie Boesen to appoint Alejandro Orozco to the Housing Appeals Board, Seat 2, for a three-year term commencing on March 17, 2024 and expiring March 16, 2027.
27. [Communication](#) from Ernest Powers advising of his resignation from the Housing Services Board, Seat 9, effective immediately.

SETTING DATE OF HEARINGS

28. [On](#) conveyance of vacated alley right-of-way located south of and adjoining 1321 E. Oak Park Avenue to Bradley Murray and Danielle Broome, \$25, (2-5-24).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

29. [Approving](#) payment to Michelle Corbin.

APPROVING

30. [Final](#) terms of an Urban Renewal Development Agreement with 1435 Mulberry, LLC for the construction of a 202-unit mixed-use apartment building located at 1435 Mulberry Street.

[\(Council Communication No. 24-024\)](#)

31. Items regarding the redevelopment of the property at 666 Grand Avenue and 601 Locust Street:

[\(Council Communication No. 24-025\)](#)

- (A) [Termination](#) of Declaration of Covenants requiring property be maintained under single ownership.
- (B) [Uniform](#) Skywalk Amendment for 601 Locust Street.
- (C) [Assignment](#) of Skywalk Agreement for 601 Locust Street.

32. [Application](#) to the Iowa Department of Agriculture and Land Stewardship (IDALS) for a Water Quality Initiative Targeted Demonstration Watershed Project Grant for \$100,000 for Soil Quality Restoration Project.

[\(Council Communication No. 24-036\)](#)

33. [28E](#) Agreement with Polk County for a Sponsored Project within the Swan Lake Branch Watershed, not to exceed \$250,000.

[\(Council Communication No. 24-035\)](#)

34. ~~[Form](#) and execution of a lease with 1901 Bell Ave, LLC for use of 4,200 square feet of warehouse space located at 1901 Bell Avenue for storage of impounded vehicles by the Police Department.~~
35. [Amendment](#) of the Municipal Parking Facilities Management Service Agreement with ABM Parking Services, Inc.

[\(Council Communication No. 24-027\)](#)

36. [Communication](#) from the Greater Des Moines Partnership on behalf of the Iowa State University, requesting approval of placement for up to 10 banners to be displayed on banner poles in downtown Des Moines beginning the first week of March 2024.
37. [Abatement](#) of public nuisance at 400 E. Jackson Avenue.
38. [Communication](#) of fire escrow at 3018 E. Spring Street.
39. [Purchase](#) from Streicher's Police Equipment (Jeremy Jenniges, President) of fifty-one (51) ballistic helmets and protective body panels per State of Iowa Participating Addendum and Naspo Value Point Master Agreement for use by the members of the statewide Explosive Ordnance Detection (EOD) taskforce teams, \$162,154.50.

[\(Council Communication No. 24-034\)](#)

40. [Receive](#) and file Quarterly Treasurer's Report as of December 31, 2023.
41. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 22 and January 29, 2024; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 22 and 29, 2024; to draw checks for biweekly payroll due January 26, 2024.

SECOND CONSIDERATION

42. [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.

[\(Council Communication No. 24-037\)](#)

43. 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.

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

HEARINGS (OPEN AT 5:00 PM) (ITEMS 44 THRU 49)

44. On vacation of air and surface rights in a portion of 6th Avenue right-of-way adjoining 3614 6th 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.

(A) First consideration of ordinance above.

45. 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.

(A) First consideration of ordinance above.

46. 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.

(A) First consideration of ordinance above.

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

47. 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.

(A) First consideration of ordinance above.

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

48. [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, **(continued from January 8, 2024 meeting)**.
49. [On](#) Stone Park 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), \$2,132,414.66.

[\(Council Communication No. 24-033\)](#)

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

END HEARINGS AT _____PM

APPROVING II

50. [Consideration](#) of a request from MT Home Services LLC, represented by Ashley Martinez, to demolish the structure at 1410 19th Street pursuant to Section 58-70 of the Historic Preservation Ordinance. **(Choose one alternative below)**

[\(Council Communication No. 24-022\)](#)

- (A) Deny the request to demolish the building at 1410 19th Street.

OR

- (B) Approve the request to demolish the building at 1410 19th Street.

COUNCIL REQUESTS

- 50-I [Receive](#) and file Council discussion and public discussion regarding a vacancy in the office of At Large Council Member and directing staff to draft a resolution reflecting Council's intent on filling the vacancy at its February 5, 2024 Council meeting as follows. **(Choose one alternative below)**

- (A) Hold a special election.

OR

- (B) Different Council action.

ORDINANCES FIRST CONSIDERATION

51. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation Changes to Approve Rates for the Surface Parking Lots at 1300 Locust Street and 1290 Walnut Street.

([Council Communication No. 24-028](#))

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

([Council Communication No. 24-029](#))

- (A) Code Correction – Grand Avenue from 7th Street to 8th Street.

COMMUNICATIONS/REPORTS

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

- (A) Jolene Prescott
- (B) Cody Dolinsek
- (C) Adam Callanan
- (D) Lu R Hallmeyer
- (E) Ben Zachrich
- (F) Taylor Nelson
- (G) Carol Maher
- (H) Peggy Fitch
- (I) Carolyn Uhlenhake Walker
- (J) Denver Foote
- (K) Joann Muldoon

MOTION TO ADJOURN.

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