

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

**February 19, 2024  
5:00 PM**

**I. CLOSED SESSION – 3:30 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.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

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1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 41:

**\*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) DM BIERGARTEN	2251 GEORGE FLAGG	Special Class C
(B) EL TOREADO 2	4521 FLEUR DR	Class C Liquor
(C) SHOP DSM, THE	901 CHERRY ST	Class C Liquor

**RENEWAL APPLICATIONS**

(D) ANNIES IRISH PUB	204 3RD ST	Class C Liquor
(E) BARATTAS RESTAURANT	7401 SW 9TH ST	Class C Liquor
(F) BB & BISTRO/OTTS	4121 SE 14TH ST #B	Class C Liquor
(G) CASH SAVER #34	4121 FLEUR DR	Class E Liquor
(H) CENTRAL CITY LIQUOR	1460 2ND AVE	Class E Liquor
<del>(I) DES MOINES YACHT CLUB</del>	<del>2617 INGERSOLL AVE</del>	<del>Class C Liquor</del>
(J) DISTRICT	212 4TH ST	Class C Liquor
(K) ERNIES BOONDOCK	440 E GRAND AVE	Class C Liquor
(L) ESCAPE CHAMBERS	338 SW 6TH ST	Class C Liquor
(M) GATEWAY MARKET MLK	2002 WOODLAND AVE	Class C Liquor
(N) H & A MINI MART	5901 FLEUR DR	Class E Liquor
(O) HAMPTON INN	5001 FLEUR DR	Class B Retail
(P) INGERSOLL LIQUOR	3500 INGERSOLL AVE	Class E Liquor
(Q) MACCABEES	1150 POLK BLVD	Class B Retail
(R) SIMONS	5800 FRANKLIN AVE	Class C Liquor
(S) WASABI CHI	5418 DOUGLAS AVE	Class C Liquor
(T) WEST END LOUNGE	2309 FOREST AVE	Class C Liquor
(U) WOOLYS	504 E LOCUST ST	Class C Liquor

**SPECIAL EVENT APPLICATIONS**

- (V) DES MOINES ARTS FESTIVAL 120 E 5TH ST 5 days  
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR REVEAL ON  
MARCH 7, 2024.
  
- (W) TANGERINE FOOD COMPANY 100 LOCUST ST 5 days  
CLASS C LIQUOR LICENSE FOR MAD HATTER/FEVER EVENT ON  
FEBRUARY 23, 2024.
  
- (X) YOUR PRIVATE BAR 120 E 5TH ST 5 days  
CLASS C LIQUOR LICENSE FOR HOLIDAY PARTY ON FEBRUARY 24, 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) [Border](#) Street Rehabilitation from 80th Avenue to 85th Avenue: Receiving of bids, (3-5-24) and Setting date of hearing, (4-1-24), Engineer's estimate, \$370,000.

[\(Council Communication No. 24-078\)](#)

- (B) [Levee](#) Trail Reconstruction from North Valley Drive to 63rd Street: Receiving of bids, (3-5-24) and Setting date of hearing, (4-1-24), Engineer's estimate, \$450,000.

[\(Council Communication No. 24-073\)](#)

8. [Approving](#) and authorizing the execution of an addendum to the Iowa Department of Transportation (IDOT) agreement for the Central Place Levee Trail Phase 1 Project.

[\(Council Communication No. 24-074\)](#)

9. [Acceptance](#) of a proposal from MidAmerican Energy Company to install streetlights on Broadway Avenue from 2nd Avenue to Hubbell Avenue, estimated at \$295,551.61.

[\(Council Communication No. 24-068\)](#)

10. [Approval](#) of an agreement between the City of Des Moines and the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for the Ingersoll Run Outlet, Phase 28, Segment 2 Project.

[\(Council Communication No. 24-077\)](#)

11. [Approving](#) Chapter 28E Agreement with Warren County for a public improvement project, Border Street Rehabilitation from 80th Avenue to 85th Avenue.

[\(Council Communication No. 24-072\)](#)

12. [Approving](#) exception to Request for Proposal process for good cause and approving Professional Services Agreement with HR Green, Inc. for Intelligent Transportation Systems (ITS) Master Plan Integration – Phase 5, not to exceed \$206,500.

[\(Council Communication No. 24-076\)](#)

13. [Approving](#) exception to Request for Proposal process for good cause and approving Professional Services Agreement with Bolton & Menk, Inc. for design services for the Sayers Park Sprayground Design, not to exceed \$114,500.

[\(Council Communication No. 24-079\)](#)

14. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Kirkham Michael, Inc. for additional professional services for the 2023 Neighborhood Sidewalk Program, not to exceed \$118,000.

[\(Council Communication No. 24-070\)](#)

15. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Bolton & Menk, Inc. for additional professional services for Western Gateway Water Feature Improvements, not to exceed \$126,000.

[\(Council Communication No. 24-071\)](#)

16. [Accepting](#) completed construction and approving final payment for E. 2nd Street Reconstruction from E. Court Avenue to Iowa Interstate Railroad, Jasper Construction Services Inc.

#### **SPECIAL ASSESSMENTS**

17. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2024-02.
18. [Deletion](#) of rental inspection assessment at 4220 Ingersoll Avenue.

#### **LAND/PROPERTY TRANSACTIONS**

19. [Approving](#) 65 tax abatement applications for work completed in 2023.

[\(Council Communication No. 24-080\)](#)

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

20. [Appointing](#) City's representatives and alternate representatives to the Polk County Emergency Management Commission.
- 20-I [Recommendation](#) from Council Member Mandelbaum to reappoint Evan Shaw to the Historic Preservation Committee, Seat 9, for a three-year term expiring October 18, 2026.

## SETTING DATE OF HEARINGS

21. [On](#) conveyance of City-owned property located at 3500 Vandalia Road to Des Moines Area Regional Transit Authority, \$3,910,000, (3-4-24).
- 21-I [On](#) entering into a Waiver of Distance Separation Easement Agreement with and conveying a Waiver of Distance Separation Easement to the Des Moines Metropolitan Wastewater Reclamation Authority and acknowledgement by Des Moines Regional Transit Authority on property located at 3500 Vandalia Road, \$1, (3-4-24).
22. [On](#) vacation of air, surface and subsurface rights within portions of alley, University Avenue and 22<sup>nd</sup> Street right-of-way adjoining 2211 University Avenue and conveyance of a Permanent Easement for Air Space Above City-owned Property, a Permanent Easement for Subsurface Building Encroachment on City-owned Property, and a Permanent Easement for Building Encroachment to Neighborhood Development Corporation, \$2,710, (3-4-24).
23. [On](#) vacation and conveyance of City-owned property located at 3312 8<sup>th</sup> Street to City of Des Moines Municipal Housing Agency, (3-4-24).
24. [On](#) a request from ABC Partners, LP and Army Post Development, LC (Richard Margulies, Officer) for review and approval of a 3rd amendment to the Airport Business Park Phase II PUD Conceptual Plan for multiple parcels located in the vicinity of 3701 Gannett Avenue to allow the use of metal siding, cladding, and roofing materials, (3-4-24).
25. [On](#) the proposition of the issuance of not to exceed \$250,000 Stormwater Management Utility Revenue Capital Loan Notes (subordinate) and providing for publication of notice thereof, (4-1-24).
26. [On](#) approval of the 2023 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER), (3-18-24).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Authorizing](#) and approving retention of Steven Pace, Kelly Cwiertny and the Shuttleworth and Ingersoll Law Firm on environmental issues.
28. [Approving](#) payment to Golf Cars of Iowa for a property claim.
29. [Approving](#) payment to Wesley and Rhonda Hosler for a property damage claim.
30. [Approving](#) payment in settlement to Peach Wise for a property damage and personal injury lawsuit.

## APPROVING

31. [Resolution](#) accepting development proposal from Gold Cap Development, Sidekick Development and Wade Investments and directing staff to negotiate preliminary terms of an Urban Renewal Development Agreement for the development of the City-owned site at 401 Robert D. Ray Drive.

[\(Council Communication No. 24-081\)](#)

32. [Preliminary](#) terms of an Urban Renewal Development Agreement with Kemin Industries, Inc. for the construction of a 320,000 square-foot warehouse at 606 SE 23rd Street, directly adjacent to their current headquarters.

[\(Council Communication No. 24-063\)](#)

33. [Preliminary](#) terms of an Urban Renewal Development Agreement with Townhall Associates LP for the historic renovation of 1601 6th Avenue into a mixed-use residential and commercial development, and the new construction of a mixed-use residential and commercial building at 1605,1609 and 1619 6th Avenue.

[\(Council Communication No. 24-064\)](#)

34. [Agreement](#) with Greater Des Moines Public Art Foundation regarding Temple Chess & Poetry Garden.

35. [Agreement](#) with AFSCME, Council 61, and its Affiliated Local 3673 for the period July 1, 2024 through June 30, 2025.

[\(Council Communication No. 24-061\)](#)

36. [Agreement](#) with the Des Moines Police Gold Braid Organization (GBO) for the period of July 1, 2024 through June 30, 2025.

[\(Council Communication No. 24-060\)](#)

37. [Communication](#) from the Greater Des Moines Partnership on behalf of the Iowa State Fair requesting approval of placement for up to 25 banners to be displayed on banner poles in downtown Des Moines beginning July 1, 2024.

38. Abatement of public nuisances as follows:

- (A) [4904](#) Sawyers Drive.
- (B) [1427](#) 5<sup>th</sup> Avenue.
- (C) [200](#) Euclid Avenue.

- 39. [Purchase](#) from AP/M Permaform (sole area wide distributor) of portable sewer rehabilitation equipment and trailer for use by the Sewers Division of the Department of Public Works, \$140,200.

([Council Communication No. 24-059](#))

- 40. [Authorizing](#) Finance Director to draw checks on registers for the weeks of February 19 and 26, 2024; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 19 and 26, 2024; to draw checks for biweekly payroll due February 23, 2024.

**ORDINANCES - FINAL CONSIDERATION**

- 41. [Amending](#) Chapter 114, Division 2 of the Municipal Code regarding the duties and member composition of the Transportation Safety Committee.

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

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 42 THRU 52)**

- 42. [On](#) vacation of a portion of the Masonic Temple Cemetery, located southwest and interior to the intersection of 48th Street and Franklin Avenue, and conveyance to ChildServe Habilitation Center, Inc. for the purchase price of \$600,000.

([Council Communication No. 24-082](#))

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

- 43. [On](#) a request from Juan’s Auto Repair, LLC (Juan Lopez, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Business Park within a Regional Node to Community Mixed Use within a Regional Node, and to rezone the property located at 1660 E. Army Post Road from “EX” Mixed Use District to “CX” Mixed Use District, to allow construction of a new auto body repair shop.

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

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

44. On a request from Elim Christian Fellowship of Des Moines (Michael K. Hurst, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Public/Semi-Public to Downtown Mixed Use and to rezone the property located at 525 E. 9th Street from “P2” Public, Civic, and Institutional District to “DXR” Downtown District, to allow renovation of an existing church building for a school and multiple-household residential use.
- (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 City of Des Moines to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Business Park to Industrial and to rezone the property located in the vicinity of 3500 Vandalia Avenue from “EX” Mixed Use District to “I2” Industrial District to allow the development of a vehicle storage, maintenance, and operation facility for the Des Moines Area Regional Transit Authority (DART).
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Cody Christensen, Development Services Director), requires six votes.
46. On request from IA9 Des Moines, LLC (Bryan Slama, 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 Business Park within a Neighborhood Node, and to rezone three (3) parcels located in the vicinity of 1475 Hart Avenue, from “N1a” Neighborhood District to Limited “EX” Mixed Use District to allow the development of self-storage and/or flex warehouse buildings, where no individual storage unit shall be less than 600 square feet in area and **continuing to the March 4, 2024 Council meeting**.
- ~~(A) First consideration of ordinance above.~~
- ~~(B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.~~
47. Dismissing hearing on a request Clayton Enterprises (George Michael Clayton, Officer) 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 for property located at 1726 Oakland Avenue to allow three (3) additional dwelling units within the existing building, which would cause the net density of the property to be greater than 17 dwelling units per acre.



48. [On](#) approval of form and authorizing execution of a lease with 1901 Bell Ave, LLC for use of 4,200 square feet of warehouse space located at 1901 Bell Avenue by the Police Department for storage of impounded vehicles.
49. [On](#) 2024 Neighborhood Sidewalk Program Contract 2: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as TK Concrete, Inc. (Tony J. Ver Meer, President), \$510,574.

[\(Council Communication No. 24-065\)](#)

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

50. [On](#) 63rd Street Trail from SW McKinley Avenue to the Raccoon River: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Corell Contractor, Inc. (Grant S. Corell, President), \$1,353,557.76.

[\(Council Communication No. 24-069\)](#)

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

51. [On](#) Union Park Rocket Slide Repair: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Cushman Excavating, LLC (Chad Cushman, Manager), \$581,657.62.

[\(Council Communication No. 24-066\)](#)

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

52. [On](#) Woodland Cemetery Retaining Wall Replacement: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Miner Hardscape, LLC (Matthew J. Miner, Owner), \$601,232.

[\(Council Communication No. 24-067\)](#)

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

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

## ORDINANCES - FIRST CONSIDERATION

53. [Amending](#) Chapter 46 of the Municipal Code relating to amendments and additions to the requirements contained in the 2021 edition of the International Fire Code (IFC).

[\(Council Communication No. 24-058\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by John TeKippe, Fire Chief), requires six votes.

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

[\(Council Communication No. 24-075\)](#)

- (A) Parking modifications – Golf House Drive between Echo Valley Drive and the south city limits.
- (B) Parking modifications – Harriet Street from SE 14<sup>th</sup> Street to SE 15<sup>th</sup> Street.
- (C) Parking restrictions within dead ends:
- (1) Jerlynn Avenue between North Union Street and E. 10<sup>th</sup> Street.
  - (2) Sampson Street between Cleveland Avenue and E. Washington Avenue.
- (D) Code correction – E. 17<sup>th</sup> Street at E. University Avenue.
- (E) Code corrections – misspelled or omitted words:
- (1) State Avenue at E. 24<sup>th</sup> Street.
  - (2) E. Walnut Street between E. 18<sup>th</sup> Street and E. 30<sup>th</sup> Street.

## COMMUNICATIONS/REPORTS

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

- (A) Lu Hallmeyer
- (B) Annie Sarcone
- (C) Adam Callanan
- (D) Cody Dolinsek
- (E) Abby Bankes
- (F) Ren Mattson
- (G) Luis Gomez
- (H) Steve Sarcone
- (I) Michaelyn Mankel
- (J) Jacey Van Roekel

MOTION TO ADJOURN.

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