

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

**August 5, 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 34:

***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) EL RINCON CUBANO 1452 2ND AVE Class C Liquor

RENEWAL APPLICATIONS

- (B) 1833 SALOON 1833 HUBBELL AVE Class C Liquor
- (C) BAR NICO 428 E LOCUST ST Class C Liquor
- (D) CAVE DSM 1437 WALNUT ST Special Class C
- (E) CHAMLING FOOD 200 ARMY POST RD #20 Class B Retail
- (F) DJANGO 1420 LOCUST ST Class C Liquor
- (G) EAST SIDE EDDIES 3517 E 26TH ST Class C Liquor
- (H) EL PALOMINO 3116 E 14TH ST Class B Retail
- (I) EL PATIO MEXICAN 611 37TH ST Class C Liquor
- (J) GIT N GO #26 2140 E PARK AVE Class B Retail
- (K) GIT N GO #7 3000 MERLE HAY RD Class B Retail
- (L) HOTEL FORT DES MOINES 1000 WALNUT ST Class C Liquor
- (M) INGERSOLL TAP 2837 INGERSOLL AVE Class C Liquor
- (N) NEW DISCOUNT MARKET 3207 DOUGLAS AVE Class B Retail
- (O) SECRET ADMIRER 110 SW 5TH ST Class C Liquor
- (P) SORIANO LATINO 2300 HICKMAN RD Class B Retail
- (Q) STAR BAR 2811 INGERSOLL AVE Class C Liquor
- (R) SUPER QUICK SMOKES 5625 HICKMAN RD Class B Retail
- (S) TOADS TAVERN 3002 STATE AVE Class C Liquor
- (T) W TAO SUSHI 400 WALNUT ST 101A Class C Liquor

SPECIAL EVENT APPLICATIONS

- (U) APRES BAR CO 519 PARK ST 5 days
CLASS C LIQUOR LICENSE FOR 100TH ANNIVERSARY EVENT ON
AUGUST 24, 2024.
- (V) APRES BAR CO 519 PARK ST 5 days
CLASS C LIQUOR LICENSE FOR THE WEDDING SHOW ON AUGUST 18,
2024.
- (W) APRES BAR CO 100 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING RECEPTION ON AUGUST 22,
2024.
- (X) GREATER DSM PARTNER 1330 GRAND AVE (BEER TENT) 5 days
CLASS C LIQUOR LICENSE FOR WORLD FOOD AND MUSIC FESTIVAL ON
AUGUST 23-25, 2024.

- (Y) GREATER DSM PARTNER 1119 LOCUST ST (BEER TENT) 5 days
CLASS C LIQUOR LICENSE FOR WORLD FOOD AND MUSIC FESTIVAL
ON AUGUST 23-25, 2024
- (Z) GREATER DSM PARTNER 1205 LOCUST ST (BEER TENT) 5 days
CLASS C LIQUOR LICENSE FOR WORLD FOOD AND MUSIC FESTIVAL
ON AUGUST 23-25, 2024.
- (AA) SA PRESENTS 2251 GEORGE FLAGG PKWY A 5 days
CLASS C LIQUOR LICENSE FOR JAMEY JOHNSON CONCERT ON
AUGUST 23, 2024.
- (BB) YOUR PRIVATE BAR 120 E 5TH ST 14 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON AUGUST 17, 2024.

- 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

PUBLIC IMPROVEMENTS

- 6. [Approving](#) the Fiscal Year 2026 Traffic Safety Improvement Program (TSIP) Application to the Iowa Department of Transportation (Iowa DOT) for the 19th Street Improvement Project.

[\(Council Communication No. 24-311\)](#)

- 7. [Approving](#) the Fiscal Year 2026 Traffic Safety Improvement Program (TSIP) Application to the Iowa Department of Transportation (IDOT) for the Citywide installation of flashing yellow arrow traffic signal heads along five (5) corridors.

[\(Council Communication No. 24-312\)](#)

- 8. [Approving](#) and authorizing the execution of a 28E Agreement with the City of West Des Moines for major construction within the public right-of-way of SW 63rd Street/SE 1st Street for the 63rd Street Trail from SW McKinley Avenue to the Raccoon River.

[\(Council Communication No. 24-313\)](#)

- 9. [Approving](#) Guaranteed Maximum Price (GMP) Amendment 1 with J.E. Dunn Construction Company for Construction Manager at Risk services for the North Side Community Recreation Center, not to exceed \$273,082.

[\(Council Communication No. 24-314\)](#)

10. [Approving](#) Change Order No. 6 with Municipal Pipe Tool Company, Inc. for additional work on 2022 Sewer Lining Program, \$477,265.80.

[\(Council Communication No. 24-315\)](#)

11. [Approval](#) of contract and bond for construction of an improvement with an estimated cost which is less than the Iowa Code competitive bid threshold, 3rd & Court Avenue Parking Garage Skywalk Lobby Improvements, Bergstrom Construction, Inc. (Tom Gorgas, President), \$44,761.

[\(Council Communication No. 24-316\)](#)

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2024-08.
13. [Deletion](#) of NAC – Emergency Assessment at 2335 Lyon Street.
14. [Deletion](#) of rental inspection assessment at 3401 SE 20th Street.

LAND/PROPERTY TRANSACTIONS

15. [Acceptance](#) of Real Estate documents from Ty Cawley for voluntary acquisition of property located at 200 Euclid Avenue for \$500,000, and authorization to use Community Development Block Grant (CDBG) funds for acquisition and stabilization.

[\(Council Communication No. 24-320\)](#)

16. Number not used.

17. [Approving](#) 50 tax abatement applications for work completed in 2024.

[\(Council Communication No. 24-322\)](#)

18. [Authorization](#) to proceed with acquisition of the necessary property interests for the Hamilton Drain Storm Water Improvements Phase 4 Project.

[\(Council Communication No. 24-318\)](#)

19. [City](#) initiated rezoning of three parcels in the SE Industrial Urban Renewal Plan located along East Army Post Road, west of SE 45th Street and east of SE 36th Street, bounded on the north by East Army Post Road and East Pine Avenue to the south.

BOARDS/COMMISSIONS/NEIGHBORHOODS

19-I Recommendation from Mayor Boesen to appoint the following to the Historic Preservation Commission:

- (A) [John](#) Beard, Seat 2, expiring March 28, 2026.
 - (B) [Kathy](#) Hellstern, Seat 11, expiring February 3, 2027.
20. [Receipt](#) of communication from Meg Schneider advising of her resignation from the Transportation Safety Committee, Seat 2, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

21. [Regarding](#) a request from Star Lofts Condos (Scott Cutler, Officer) regarding the vacation of 567 square feet of surface right-of-way for patios and 90 square feet of sub-surface right-of-way for a foundation for a retaining wall at 2701 Ingersoll Ave.

SETTING DATE OF HEARINGS

22. [On](#) a request from JSG Properties, LLC (Gary Jones, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Business Park to Industrial and to rezone 3001 McKinley Avenue from “EX” Mixed Use District to Limited “I1” Industrial District to allow the expansion of an existing industrial and warehousing use with zoning regulations, (8-19-24).
23. [On](#) a request from Lillian C. Riccelli (Owner) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low Density Residential to Neighborhood Mixed Use and to rezone two (2) parcels located at 3803 Indianola Avenue and 3805 Indianola Avenue from “N3a” Neighborhood District to “MX1” Mixed Use District to allow a mixed-use (commercial and residential) redevelopment of the site, (8-19-24).
24. [On](#) assessment of \$1,500 penalty and thirty (30) day suspension to Super Quick, 303 SE 30th Street for violation of Iowa Alcoholic Beverage Laws, (8-19-24).
- 24-I [On](#) the issuance of not to exceed \$34,000,000 General Obligation Bonds for essential corporate purposes, (8-19-24).
- 24-II On the issuance of General Obligation Bonds for the following:
- (A) [On](#) the issuance of not to exceed \$1,300,000 General Obligation Bonds for general corporate purposes, GCP-1, (8-19-24).
 - (B) [On](#) the issuance of not to exceed \$1,300,000 General Obligation Bonds for general corporate purposes, GCP-2, (8-19-24).

- (C) [On](#) the issuance of not to exceed \$1,300,000 General Obligation Bonds for general corporate purposes, GCP-3, (8-19-24).
- (D) [On](#) the issuance of not to exceed \$1,300,000 General Obligation Bonds for general corporate purposes, GCP-4, (8-19-24).
- (E) [On](#) the issuance of not to exceed \$1,300,000 General Obligation Bonds for general corporate purposes, GCP-5, (8-19-24).
- (F) [On](#) the issuance of not to exceed \$1,300,000 General Obligation Bonds for general corporate purposes, GCP-6, (8-19-24).
- (G) [On](#) the issuance of not to exceed \$1,300,000 General Obligation Bonds for general corporate purposes, GCP-7, (8-19-24).
- (H) [On](#) the issuance of not to exceed \$1,300,000 General Obligation Bonds for general corporate purposes, GCP-8, (8-19-24).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 25. [Approving](#) retention of outside counsel and waiver and consent to conflict of interest in representation by Brown Winick Law Firm regarding a sick leave insurance program.
- 26. [Approving](#) payment to Karen Welch for a property damage claim.
- 27. [Approving](#) payment to Kallie Christensen for a property damage claim.

CITY MANAGER COMMUNICATIONS

- 28. [Submitting](#) travel and training request for Sherill Whisenand.

[\(Council Communication No. 24-321\)](#)

APPROVING

- 29. [Suspension](#) of civil service hiring practices for entrance positions as authorized by Iowa Code Section 400.12A for the period August 5, 2024 through August 4, 2025.

[\(Council Communication No. 24-308\)](#)

30. Purchases from the following:

- (A) [Sunset](#) Law Enforcement LTD (Mike Bright, Owner), Streicher's, Inc. (Jeremy Jenniges, President) and Kiesler Police Supply, Inc. (Doug Kiesler, CEO) for ammunition and approving use of State of Iowa Master Agreements for use by the Police Department, estimated annual cost \$310,671.15.

[\(Council Communication No. 24-307\)](#)

- (B) [MB](#) Lawn Care, LLC for the soil quality restoration services for the Soil Quality Restoration Batch and Build Program as requested by the Public Works Department, at a total cost of \$156,000. (193 potential bidders, 4 received)

- (C) [MacQueen](#) Equipment (Dan Gage, President/CEO) for three (3) replacement street sweepers and approving use of Sourcewell Contract for use by the Public Works Department, \$934,893.60.

[\(Council Communication No. 24-309\)](#)

31. Abatement of public nuisances as follows:

- (A) [1909](#) E. 22nd Street.
- (B) [6604](#) SW 17th Street.
- (C) [6209](#) SE 5th Street.
- (D) [2825](#) SE 14th Street, Lot 5.
- (E) [2825](#) SE 14th Street, Lot 11.
- (F) [2825](#) SE 14th Street, Lot 29.
- (G) [2825](#) SE 14th Street, Lot 30.
- (H) [2825](#) SE 14th Street, Lot 44.
- (I) [2825](#) SE 14th Street, Lot 62.
- (J) [2825](#) SE 14th Street, Lot 64.
- (K) [2825](#) SE 14th Street, Lot 70.

32. [Communication](#) of fire escrow at 2705 E. Railroad Avenue.

33. [Release](#) of fire escrow at 1306 E. 27th Court.

34. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 5 and 12, 2024; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 5 and 12, 2024; to draw checks for biweekly payroll due on August 9, 2024.

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

ORDINANCES - SECOND CONSIDERATION

35. [Amending](#) Sections 102-8, 102-615 and 3-23 of the Municipal Code relating to abandoned property and the removal of encroachments.

36. [Amending](#) Chapter 102 of the Municipal Code relating to prohibited camping.

[\(Council Communication No. 24-325\)](#)

37. [Amending](#) Sections 18-4 and 18-136 of the Municipal Code relating to agricultural nondomestic animals and exotic animals and the types permitted.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 38 THRU 46)

38. [Dismiss](#) hearing on a Commercial Lease Agreement with Panom & Sons LLC d/b/a Blu Thai Food and Sushi for use of Suite 309 for restaurant purposes located in City-owned property at the T.M. Franklin Cownie City Administration Building located at 1200 Locust Street.

39. [On](#) conveyance of 1607 Clark Street to The Woods Bibbin Company LLC for \$6,500.

[\(Council Communication No. 24-319\)](#)

40. [On](#) conveyance of 2800 and 2818 Bell Avenue to Bams Properties, LLC (Steven Jones and Matthew Norris, Owners) for Christian Edward Print and Graphics expansion, \$174,027.

[\(Council Communication No. 24-317\)](#)

41. [On](#) a request from Tasty King of Iowa, LLC (Neil Thomson, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of the property from Industrial within a Community Node to Community Mixed Use within a Community Node and to rezone 205 University Avenue from “MX2” Mixed Use District to “MX3” Mixed Use District, to bring an existing restaurant with a drive-through use into conformance with zoning regulations.

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

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

42. On a request from S&S Homebuilders, LLC (Nick Stephenson, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low Density Residential to Low-Medium Density Residential and to rezone 902 and 908 31st Street from “N5” Neighborhood District to “NX1” Neighborhood Mix District, to allow the construction of a residential row building.
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above (waiver requested by applicant), requires six votes.

43. On a request from MidAmerican Energy Company (Benjamin Keith and Mark D. Lowe, Officers) for review and approval of an 8th amendment to the Airport Commerce Park West PUD Conceptual Plan at 5700 Thornton Avenue, to allow a utility substation use and additional fencing options.

44. On a City-initiated request to rename two cul-de-sac street segments of Caulder Court to East Caulder Court.
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above (waiver requested by Cody Christensen, Development Services Director), requires six votes.

45. On the First Amendment to the Fourth Restated City-Wide Urban Revitalization Plan to update the definition of missing middle residential and to add certain building material requirements to be eligible for tax abatement.

46. On the proposed 35th Amendment to the Urban Renewal Plan for the Metro Center Urban Renewal Area.

(Council Communication No. 24-324)

END HEARINGS AT _____

SETTING DATE OF HEARING II

47. Number not used.

48. On the issuance of not to exceed \$20,100,000 General Obligation Urban Renewal Bonds for essential corporate urban renewal purposes, (8-19-24).

49. Number not used.
50. Number not used
51. Number not used.
52. Number not used.
53. Number not used

- 54. Number not used.
- 55. Number not used.
- 56. Number not used.

CITY MANGER REQUEST

56-I [Council](#) discussion on Section 102-2 regarding maintenance of border area.

ORDINANCES FIRST CONSIDERATION

- 57. [Amending](#) Section 74-101 of the Municipal Code relating to overnight use of parks by special permit.
 - (A) [Final](#) consideration of ordinance above (waiver requested by Ben Page, Parks and Recreation Department Director), requires six votes.

- 58. [Amending](#) Section 46-2 of the Municipal Code relating to fire zones and boundaries.
 - (A) [Final](#) consideration of ordinance above (waiver requested by Chief Tekippe, Des Moines Fire Department), requires six votes.

- 59. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows:
 - ([Council Communication No. 24-310](#))
 - (A) Parking Modification – Accessible parking space on 33rd Street between College Avenue and Mondamin Avenue.
 - (B) Code Correction – E. Broadway Avenue from the west city limits to the east city limits.

COMMUNICATIONS/REPORTS

- 60. [Requests](#) to speak as follows:
 - (A) Jacob Formaro
 - (B) Suzanne Overton
 - (C) Kiersten Buhr
 - (D) Monika Owczarski
 - (E) Marco Battaglia
 - (F) Keenan Crow
 - (G) Kimberly Graham
 - (H) Jodi Runge

- (I) Candy Haney
- (J) Giada Morresi
- (K) Rebekah Delgado
- (L) Taylor Klocke
- (M) Sally Davis
- (N) EJ Philby Burton
- (O) Jon Philby Burton
- (P) Ed Fallon
- (Q) Bridget Fagan-Reidburn
- (R) Sarah Reid
- (S) Jacey Van Roekel
- (T) Ben Lynch

MOTION TO ADJOURN.

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