

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

**October 7, 2024**  
**5:00 PM**

**PROCLAMATIONS – 4:40 PM**

National Community Planning Month

Italian American Heritage Month

Fire Prevention Week

National Coming Out Day

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 APPLICATION**

(A) EL TOREADO MEXICAN BAR	1234 E EUCLID AVE	Class C Liquor
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**RENEWAL APPLICATIONS**

(B) 85 BAR	432 E LOCUST ST	Class C Liquor
(C) ARAMARK @ NATIONWIDE	1100 LOCUST ST	Class C Liquor
(D) BARTENDERS HANDSHAKE	3615 INGERSOLL AVE	Class C Liquor
(E) BLAZING SADDLE	416 E 5TH ST	Class C Liquor
(F) BOMB BAR	209 4TH ST	Class C Liquor

(G)	CAPTAIN ROYS	1900 SAYLOR RD	Class C Liquor
(H)	DOLLAR GENERAL #21054	2309 E 42ND ST	Class B Retail
(I)	DRAKE DINER	1111 25TH ST	Class C Liquor
<del>(J)</del>	<del>E NATION GROCERY LLC</del>	<del>3826 DOUGLAS AVE</del>	<del>Class B Retail</del>
<del>(K)</del>	<del>EL PATRON</del>	<del>4351 MERLE HAY RD</del>	<del>Class C Liquor</del>
(L)	EUREST DINING SERVICES	1331 GRAND AVE	Class C Liquor
(M)	G T RACE CAR BAR	3013 INGERSOLL AVE	Class C Liquor
(N)	GOODSONS	2815 BEAVER AVE #102	Class C Liquor
(O)	HYATT PLACE	418 6TH AVE	Class C Liquor
(P)	JETHROS BBQ ALL STARS	721 3RD ST	Class C Liquor
(Q)	LUA BREWING	1525 HIGH ST	Class C Liquor
(R)	LUCKY LOTUS	2721 INGERSOLL AVE	Class C Liquor
(S)	NIGHTINGALE COCKTAIL	435 E GRAND AVE	Class C Liquor
(T)	OASIS	630 SW 9TH ST	Class E Liquor
(U)	OLD WEST MEXICAN	4138 FLEUR DR	Class C Liquor
(V)	RIVER CENTER	320 W M LK JR PKWY	Class C Liquor
(W)	UNIVERSITY MARKET	2231 E UNIVERSITY AVE	Class E Liquor
(X)	WALNUT	1417 WALNUT ST #A	Class C Liquor

**SPECIAL EVENT APPLICATIONS**

- (Y) APRES BAR CO                                      100 LOCUST ST                                      5 days  
CLASS C LIQUOR LICENSE FOR A WEDDING ON OCTOBER 12, 2024
- (Z) CATHOLIC CHARITIES                                      601 GRAND AVE                                      5 days  
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR CENTENNIAL TRIVIA ON OCTOBER 19, 2024.
- (AA) ENDURANCE SPORTS                                      313 WALNUT ST                                      5 days  
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR IMT DES MOINES MARATHON ON OCTOBER 20, 2024.
- (BB) SALISBURY HOUSE & GARDENS                                      4025 TONAWANDA DR                                      5 days  
CLASS C LIQUOR LICENSE FOR GHOULISH GALA ON OCTOBER 19, 2024.
- (CC) TOP IT OFF LIQUID CATERING                                      519 PARK ST                                      5 days  
CLASS C LIQUOR LICENSE FOR AN EVENT ON OCTOBER 17, 2024.
- (DD) YOUR PRIVATE BAR                                      313 WALNUT ST                                      5 days  
CLASS C LIQUOR LICENSE FOR AMERICAN HEART ASSOCIATION FUNDRAISER ON OCTOBER 10, 2024.

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

## **PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:
  - (A) [2025](#) Midblock Pedestrian Signal Improvements: Receiving of bids, (10-22-24) and Setting date of hearing, (11-4-24), Engineer's estimate, \$500,000.  
  
([Council Communication No. 24-398](#))
  - (B) [Gray's](#) Lake Dock Improvements: Receiving of bids, (10-22-24) and Setting date of hearing, (11-18-24), Engineer's estimate, \$2,100,000.  
  
([Council Communication No. 24-399](#))
  - (C) [Birdland](#) and Ashworth Pool Building Repairs: Receiving of bids, (10-22-24) and Setting date of hearing, (11-18-24), Engineer's estimate, \$273,000.  
  
([Council Communication No. 24-400](#))
  - (D) [George](#) Flagg Parkway and Fleur Drive Floodgate Closure: Receiving of bids, (11-5-24) and Setting date of hearing, (12-9-24), Engineer's estimate, \$2,950,000.  
  
([Council Communication No. 24-401](#))
  - (E) [E. 8<sup>th</sup>](#) Street and E. Market Street Pump Station: Receiving of bids, (11-5-24) and Setting date of hearing, (12-9-24), Engineer's estimate, \$13,000,000.  
  
([Council Communication No. 24-402](#))
  - (F) [Sayers](#) Park Sprayground: Receiving of bids, (11-5-24) and Setting date of hearing, (12-9-24), Engineer's estimate, \$1,200,000.  
  
([Council Communication No. 24-403](#))
7. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Shive-Hattery, Inc. for SW 1st Street Bridge Park Improvement, not to exceed \$51,500.  
  
([Council Communication No. 24-392](#))

8. [Approve](#) and authorize addendum to Iowa Department of Transportation (IDOT) Agreement 2020-R-014 for a Revitalize Iowa’s Sound Economy (RISE) Program project and approve and authorize an agreement with the Des Moines Airport Authority regarding IDOT RISE Grant to the Authority for Cowles Drive - Phase 4.

[\(Council Communication No. 24-393\)](#)

9. Approving items regarding the proposed Southeast Connector Project:

- (A) [Second](#) Amendment to the agreement with the City of Pleasant Hill for the coordination of funding, design and corridor preservation for the Southeast Connector.

[\(Council Communication No. 24-394\)](#)

- (B) [Authorizing](#) the execution of United States Department of Transportation (DOT) Grant Agreement for the Infrastructure for Rebuilding America (INFRA) Grant for the Southeast Connector project between SE 30th Street and U.S. Highway 65.

[\(Council Communication No. 24-395\)](#)

- (C) [Authorizing](#) the execution of Iowa Department of Transportation (IDOT) Agreement for the Southeast Connector project between SE 30th Street and U.S. Highway 65.

[\(Council Communication No. 24-396\)](#)

- (D) [Authorizing](#) the execution of Iowa Department of Transportation (IDOT) Agreement for Portland Cement Concrete (PCC) Pavement work on the Southeast Connector project between SE 30th Street and U.S. Highway 65.

[\(Council Communication No. 24-397\)](#)

10. [Approving](#) Four Party Funding Agreement with Blackacre Development, LLC , HCR NFS I, LLC (Hubbell), MidAmerican Energy Company and the City of Des Moines to reconstruct Tuttle Street from SW 14th Street to SW 16th Street.

[\(Council Communication No. 24-382\)](#)

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

- (A) [Western](#) Ingersoll Run Sewer Separation Phase 2 – Synergy Contracting, LLC.

- (B) [2023-2024](#) HMA Pavement Scarification and Resurfacing – InRoads, LLC.

## **SPECIAL ASSESSMENTS**

12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2024-10.
13. [Deletion](#) of rental inspection assessment at 400 Walnut St. Unit 1003.

## **LAND/PROPERTY TRANSACTIONS**

14. [Approval](#) of final subdivision plat and acceptance of subdivision bond for Gray's Station Plat 6, located in the vicinity of 1293 Grays Parkway.

[\(Council Communication No. 24-381\)](#)

## **COMMUNICATIONS FROM PLANNING AND ZONING**

15. [Regarding](#) request from HRC NFS I, LLC (Caleb Smith, Officer) for review and approval of the Preliminary Plat "Gray's Station Plat 8" on 10.28 acres of property in the vicinity of 1400 Tuttle Street, which would allow for thirty (30) lots for rowhouse development (30 household units).

## **SETTING DATE OF HEARINGS**

16. [On](#) vacation of portions of E. 36<sup>th</sup> Street, E. 36<sup>th</sup> Street Court, Arthur Avenue, E. 40<sup>th</sup> Court and Lot Q right-of-way located in the Fourmile Creek Floodplain and conveyance to Polk County Conservation Board for the Lower Fourmile Creek Greenway project, (10-21-24).
17. [On](#) vacation of portions of 23<sup>rd</sup> Street, High Street, 24<sup>th</sup> Street and the north/south alley right-of-way adjoining 601 24<sup>th</sup> Street and 602 23<sup>rd</sup> Street and conveyance to Rally Cap Properties, LLC, \$200, (10-21-24).
18. [On](#) conveyance of permanent underground electric easement to provide electric service to Stone Park on City-owned property at 2100 SE 5<sup>th</sup> Street to MidAmerican Energy Company, (10-21-24).
19. [On](#) conveyance of vacated north/south alley adjoining 1316 E. 9<sup>th</sup> Street and 1309 Pennsylvania Avenue to Central Iowa Hospital Corporation, \$3,780. (10-21-24).
20. [On](#) conveyance of 101 Franklin Avenue and a portion of vacated Ohio Street adjoining 101 Franklin Avenue to Mans Leasing Company, LC, \$75,553, (10-21-24).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. [Approving](#) payment to Stephanie Jones.

### APPROVING

22. [2024](#) Continuum of Care (CoC) grant recommendations for competitive application, including noncompetitive award of Youth Homeless Demonstration Program (YHDP) renewal and replacement grants, to the U.S. Department of Housing and Urban Development (HUD).

[\(Council Communication No. 24-389\)](#)

23. [Substantial](#) amendment to the 2024 Annual Action Plans to include additional Emergency Solutions Grant (ESG) funding from the Rapid Unsheltered Survivor Housing (RUSH) program.

[\(Council Communication No. 24-388\)](#)

24. [Preliminary](#) Commitment of \$700,000 in Community Development Block Grant (CDBG) Funds for Varsity Lofts resulting in six (6) total affordable residential rental units.

[\(Council Communication No. 24-385\)](#)

25. [Preliminary](#) Commitment of \$750,000 in Home Investment Partnership (HOME) Funds for The Townhall Food Hall and Apartments resulting in 29 total affordable residential rental units.

[\(Council Communication No. 24-386\)](#)

26. [First](#) Amendment and Assignment of Grant Agreement with Alley Landing Limited Partnership and Erie Ohio Capital CDFI Fund, LLC for construction of a new affordable housing project at 2701 Douglas Avenue.

[\(Council Communication No. 24-383\)](#)

27. [Round](#) four (4) of Neighborhood Commercial Revitalization (NCR) Program funding.

[\(Council Communication No. 24-406\)](#)

28. [Small](#) Business Impact Loan Program and Program Policy.

[\(Council Communication No. 24-408\)](#)

29. [Uniform](#) Skywalk Amendment for property at 666 Grand Avenue.
30. [Assignment](#) of the Skywalk Agreement for 666 Grand Avenue to R1, Round 2, LLC.  
  
([Council Communication No. 24-405](#))
31. [Contract](#) (Cooperative Agreement) with the United States Department of Housing and Urban Development (HUD).
32. [Acceptance](#) of the Violence Against Women Grant Award through Iowa Department of Justice, Office of the Attorney General, Crime Victim Assistance Division, \$21,446.  
  
([Council Communication No. 24-407](#))
33. [Submittal](#) of a joint application with Polk County for funding through the 2024 Edward Byrne Memorial Justice Assistance Grant Program and Memorandum of Understanding with Polk County, \$173,109.  
  
([Council Communication No. 24-379](#))
34. [Acceptance](#) of the 2024 Homeland Security Grant awards on behalf of the statewide Weapons of Mass Destruction (WMD/SWAT) team in the amount of \$156,205 and the Explosive Ordnance Detection (EOD) team in the amount of \$253,340.  
  
([Council Communication No. 24-380](#))
35. [Agreement](#) with Iowa Department of Homeland Security and Emergency Management (HSEMD) for award of 2024 Cybersecurity Risk Reduction Grant and Memorandum of Agreement with HSEMD and State of Iowa Department of Management for HSEMD to retain such grant funding for use by the Department of Management.  
  
([Council Communication No. 24-409](#))
36. [Communication](#) from the Greater Des Moines Partnership on behalf of the Iowa State University's Ivy College of Business, requesting approval of placement for up to 25 banners to be displayed on banner poles in downtown Des Moines beginning January 1, 2025.
37. Abatement of public nuisances as follows:
  - (A) [3039](#) Mahaska Avenue.
  - (B) [1920](#) Searle Street.
  - (C) [302](#) E. Livingston Avenue.

- 38. Number not used.
- 39. [Purchase](#) from Nite Owl Printing (LeeAnn Daggy, Owner) of printing and mailing services for the City of Des Moines Newsletter for use by the City Manager’s Office, estimated annual amount \$150,000. (Five (5) compliant bids received).
- 40. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 7 and 14, 2024; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 7 and 14, 2024; to draw checks for biweekly payroll due on October 18, 2024.

**ORDINANCES - SECOND CONSIDERATION**

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

[\(Council Communication No. 24-391\)](#)

- (A) Parking Modification – SW 9th Street between Rose Avenue and Watrous Avenue.
- (B) Parking Modification – 24th Street between Cottage Grove Avenue and Drake Park Avenue.
- (C) Traffic Control Modification – E. Vine Street at intersections with E. 15th/SE 15th Street, Astor/SE Astor Street, and E. 16th/SE 16th Street.
- (D) Code Correction – 7th Street between Clark Street and College Avenue.
- (E) Code Correction – E. Lacona Avenue at SE 8th Street.
- (F) Corner Clearance Parking Restrictions:
  - (1) Arthur Avenue and E. 42nd Street.
  - (2) Bennett Avenue and 30th Street.
  - (3) E. Diehl Avenue and Jordan Drive.
  - (4) E. Payton Avenue and SE 3rd Street.

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



42. [Amending](#) Chapter 114 of the Municipal Code regarding Parking Modification – E. Broadway Avenue/Hubbell Avenue north frontage road between E. Broadway Avenue and Hubbell Avenue. (**Choose one alternative below**)

[\(Council Communication No. 24-390\)](#)

- (A) Restrict parking on the south side of E. Broadway Avenue/Hubbell Avenue north frontage road for the entire length of the roadway and on the north side at street intersections and within the curve.

**OR**

- (B) Restrict parking on the south side of E. Broadway Avenue/Hubbell Avenue north frontage road for the entire length of the roadway and on the north side at street intersections, within the curve, and along the frontage of the Operating Engineers Local 234 located at 4880 Hubbell Avenue

#### **HEARINGS (OPEN AT 5:00 PM) (ITEMS 43 THRU 54)**

43. [On](#) vacation of air and subsurface rights within portions of Tuttle Street, SW 13<sup>th</sup> Street and Murphy Street right-of-way adjoining 1300 Tuttle Street and conveyance of a Permanent Easement for Air Space Above City-owned property and a Permanent Easement for Subsurface Building Encroachment on City-owned property to HRC NFS I, LLC, \$8,061.

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

- (B) [Final](#) consideration of ordinance above (waiver requested by Matt Weller, Vice President), requires six votes.

44. [On](#) vacation of portions of E. University Avenue right-of-way adjoining 1427 E. University Avenue and conveyance to Des Moines Independent Community School District.

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

45. [On](#) vacation of air, subsurface, and surface rights within portions of Des Moines Street and E. 6<sup>th</sup> Street right-of-way adjoining 603 E. 6<sup>th</sup> Street and conveyance of a Permanent Easement for Air Space Above City-owned property, a Permanent Easement for Subsurface Building Encroachment and a Permanent Easement for Surface Building Encroachment on City-owned property to HOA Aston LLC, \$30,324.

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

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

46. [On](#) conveyance of excess City-owned property located in the Fourmile Creek floodplain to Polk County for the use and benefit of the Polk County Conservation Board for the Lower Fourmile Creek Greenway Project.
47. [On](#) conveyance of excess City property located at 3 E. Porter Avenue to Polk County, \$1.
48. [On](#) approval of 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 at 1200 Locust Street.
49. [On](#) a request from Ryan Rivas (Owner) to rezone property located in the vicinity of 1760 E. Park Avenue from “N3a” Neighborhood District to “P2” Public, Civic, and Institutional District to allow the property to be assembled with the property to the east that is used for an “Assembly – Place of Worship” use.
  - (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
50. [On](#) a request from Riverview DSM, LLC (Douglas A. Wells, 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 110 E. Court Avenue from “P2” Public, Civic, and Institutional District to “DX2” Downtown District to allow the existing building to be used for a mix of commercial uses.
  - (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.
51. [On](#) a City initiated request to rezone three (3) parcels within the Southeast Industrial Urban Renewal Area, located along E. Army Post Road, to the west of SE 45th Street and to the east of SE 36th Street, and bounded by E. Army Post Road to the north and E. Pine Avenue to the south, to rezone property from “A” Agricultural District and “PUD” Harvest Hills PUD Planned Unit Development District to Limited “I1” Industrial District.
  - (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by Donald L. Rothfus and Linda Rothfus, property owners), requires six votes.

52. On a request from Alisha, LLC (Muhammad Sarwar, Officer) for property located at 3718 SW 9th Street to rezone the property from “RX1” Mixed-Use District to “MX3” Mixed-Use District to allow liquor sales by an existing fuel station use. **(Choose one alternative below)**

(A) Deny.

**OR**

(B) Continue the hearing until October 21, 2024 and direct the City Manager and Legal Department to prepare the necessary legislation to approve the rezoning. **(Future approval would require six votes due to greater than 20% opposition of relevant property owners)**

53. On a request from Hubbell Realty Company (Caleb Smith, Officer) for review and approval of a 2<sup>nd</sup> amendment to the Gray’s Station PUD Conceptual Plan to allow adjustments in building height, density, and uses within certain sub-areas of the PUD regarding property located in the vicinity of 1300 Tuttle Street and to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification for portions of the property from Neighborhood Mixed Use to Downtown Mixed Use.

54. On Birdland Pool Filter and Equipment Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Weidner Construction, Inc. (Carol E. Weidner, President), \$752,938.

(Council Communication No. 24-404)

(A) Approval of contract and bond.

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

## **ORDINANCE FIRST CONSIDERATION**

55. Repeal and replace Chapter 60 of the Municipal Code relating to rental property maintenance and blighted property.

(Council Communication No. 24-387)

## COMMUNICATIONS/REPORTS

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

- (A) Kaleb Van Fosson
- (B) Heather Armstrong
- (C) Garland Armstrong
- (D) Wayne Ford
- (E) Tatum Vermeer
- (F) Matthew Farnham
- (G) Tom Rendon
- (H) Laural Clinton
- (I) Adam Callanan
- (J) Monika Owczarski
- (K) Symphony Rose Cooper
- (L) Abby Bankes
- (M) Jolene Prescott
- (N) Jason Copple
- (O) Suzanne Overton
- (P) Carol Maher

MOTION TO ADJOURN.

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