

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

October 21, 2024
5:00 P.M.

I. CLOSED SESSION – 3:45 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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PROCLAMATIONS – 4:50 PM

National Code Compliance Month

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA * – items 3 through 42:

***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) MOVERS & SHAKERS	413 EUCLID AVE	Class C Liquor
(B) EARLY BIRD	401 E COURT AVE #300	Class C Liquor
(C) FLORA	909 ROBERT D RAY DR	Class C Liquor
(D) IOWA CUBS	1 LINE DR	Class C Liquor

RENEWAL APPLICATIONS

(E) 5 DE MAYO	5118 SE 14TH ST	Class C Liquor
(F) AC HOTEL/REPUBLIC	401 E GRAND AVE	Class C Liquor
(G) AMERICAN LEGION	1511 SOUTH UNION ST	Special Class C Liquor
(H) BORDENAROS PIZZA	6108 SW 9TH ST	Class C Liquor
(I) CASEYS #2921	3725 BEAVER AVE	Class B Retail
(J) CASEYS #2922	3501 E 14TH ST	Class B Retail
(K) CENTRAL CITY 2	1501 MICHIGAN ST	Class E Liquor
(L) CHEESE SHOP	833 42ND ST #B	Special Class C Liquor
(M) COA CANTINA	425 E GRAND AVE	Class C Liquor
(N) DAM PUB	2712 BEAVER AVE	Class C Liquor
(O) DES LUX HOTEL	800 LOCUST ST	Class C Liquor
(P) DONNAS	4424 SE 14TH ST	Class C Liquor
(Q) EL BUEN SABOR	1130 E 9TH ST	Class C Liquor
(R) EL PATRON	4351 MERLE HAY RD	Class C Liquor
(S) EL RINCON 2	910 HULL AVE	Class C Liquor
(T) FAMILY PANTRY	4538 LOWER BEAVER RD	Class E Liquor
(U) FLEUR CINEMA	4545 FLEUR DR	Special Class C Liquor
(V) GIT N GO #33	865 42ND ST	Class B Retail
(W) GOLDENLAND FOOD	2740 DOUGLAS AVE	Class B Retail
(X) HOME2 SUITES	2650 UNIVERSITY AVE	Class C Liquor
(Y) KUM & GO #535	4960 E BROADWAY AVE	Class E Liquor
(Z) MARGARITAS	1810 ARMY POST RD	Class C Liquor
(AA) MARS COFFEE	2318 UNIVERSITY AVE	Special Class C Liquor
(BB) PARLOR	4041 URBAN DALE AVE	Class C Liquor
(CC) QUIK TRIP #530	1424 E EUCLID AVE	Class E Liquor
(DD) QUIK TRIP #559	4021 FLEUR DR	Class E Liquor
(EE) RENAISSANCE	401 LOCUST ST	Class C Liquor
(FF) SOUTHWEST MART	3718 SW 9TH ST	Class B Retail
(GG) SPROCKETS PUB	2314 UNIVERSITY AVE	Class C Liquor
(HH) SURETY HOTEL	206 6TH AVE FLOORS 1 & 2	Class C Liquor
(II) TOBACCO HUT	5714 HICKMAN RD	Class B Retail
(JJ) VOODOO	208 3RD ST	Class C Liquor

SPECIAL EVENTS APPLICATIONS

- (KK) APRES BAR CO 504 E LOCUST ST 3RD FLOOR 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON OCTOBER 26, 2024.

- (LL) APRES BAR CO 100 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR CANDLELIGHT DSM EVENTS ON
OCTOBER 23 - 24, 2024.

- (MM) HOLY FAMILY 1246 E 12TH ST 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR BARN BASH ON
NOVEMBER 9, 2024.

- (NN) SALISBURY HOUSE 4025 TONAWANDA DR 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR MURDER MYSTERY
DINNER ON NOVEMBER 8 - 9, 2024.

- (OO) YOUR PRIVATE BAR 4025 TONAWANDA DR 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON OCTOBER 26, 2024.

- (PP) YOUR PRIVATE BAR 120 E 5TH ST 14 days
CLASS C LIQUOR LICENSE FOR EVENTS DURING OCTOBER 26 -
NOVEMBER 8, 2024.

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

PUBLIC IMPROVEMENTS

- 6. Ordering construction of the following:
 - (A) [E. Army](#) Post Road and SE 36th Street Roundabout: Receiving of bids, (11-5-24) and Setting date of hearing, (12-9-24), Engineer’s estimate, \$3,150,000.

[\(Council Communication No. 24-414\)](#)

 - (B) [41st](#) Street and Beaver Avenue Intersection Improvements: Receiving of bids, (11-5-24) and Setting date of hearing, (12-9-24), Engineer’s estimate, \$680,000.

[\(Council Communication No. 24-415\)](#)

 - (C) [2025](#) Neighborhood Sidewalk Program: Receiving of bids, (11-5-24) and Setting date of hearing, (12-9-24), Engineer’s estimate, \$1,370,000.

[\(Council Communication No. 24-416\)](#)

- (D) [Jordan](#) Park Sprayground: Receiving of bids, (11-19-24) and Setting date of hearing, (12-23-24), Engineer’s estimate, \$562,500.

[\(Council Communication No. 24-417\)](#)

- (E) [Woodland](#) Cemetery Road Reconstruction: Receiving of bids, (11-5-24) and Setting date of hearing, (12-9-24), Engineer’s estimate, \$310,000.

[\(Council Communication No. 24-418\)](#)

7. [Approving](#) exception to Request for Proposal process for good cause and approving a Professional Services Agreement with Substance, LLC for the Principal Park – Bullpens and Player Parking Improvements project, not to exceed \$185,774.

[\(Council Communication No. 24-413\)](#)

8. [Communication](#) from contractor requesting permission to sublet certain items on a public improvement project.

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

(A) [2022](#) Sewer Lining Program – Municipal Pipe Tool, LLC.

(B) [Tuttle](#) Street Construction from SW 12th Street to SW 14th Street – All Star Concrete, LLC.

(C) [5th](#) Avenue and Grand Avenue One-way to Two-way Conversion.

SPECIAL ASSESSMENTS

10. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2024-10.

11. [Authorizing](#) release of special assessments for certain properties acquired through the tax sale certificate process.

[\(Council Communication No. 24-426\)](#)

LAND/PROPERTY TRANSACTIONS

12. [Partially](#) releasing subdivision bond for Woodbury Plat 1.
13. [Approving](#) 34 tax abatement applications for work completed in 2024.

[\(Council Communication No. 24-429\)](#)

14. [Authorization](#) to proceed with acquisition of the necessary property interests for the Euclid Avenue Improvements from Des Moines River to York Street Project.

[\(Council Communication No. 24-411\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Communication](#) from Evan Herlocker advising of his resignation from the Historic Preservation Commission, Seat 12, effective immediately.
16. [Recommendation](#) from Mayor Boesen to appoint Chad Nelson to the Historic Preservation Commission, Seat 12, for a three-year term expiring February 3, 2027.
17. [Recommendation](#) from Council Member Simonson to appoint Ryan Ellsworth to the Historic Preservation Commission, Seat 5, for a five-year term expiring October 18, 2025.
- 17-I [Recommendation](#) from Council Member Simonson to appoint Claudia Thrane to the Des Moines Civil and Human Rights Commission, Seat 2, for a three-year term expiring April 5, 2027. Sponsor: Mayor Boesen.
18. [Recommendation](#) from Council Member Gatto to appoint Timothy Waddell to the Historic Preservation Commission, Seat 10, for a three-year term expiring October 18, 2026.
19. [Communication](#) from Negus Rudison-Imhotep advising of his resignation from the Des Moines Civil and Human Rights Commission, Seat 4, effective October 7, 2024.
20. [Communication](#) from Michael Hildebrand advising of his resignation from the Historic Preservation Commission, Seat 7, effective immediately.

SETTING DATE OF HEARINGS

21. [On](#) conveyance of City-owned property at 1916 Washington Avenue to Greater Des Moines Habitat for Humanity for redevelopment of housing, (11-4-24).
22. [On](#) conveyance of a permanent easement for ingress and egress across City-owned property located north of 1544 48th Street to Switt Properties, LLC, \$1, (11-4-24).
23. [On](#) request from JC AM Group, LLC (John Cheng, Officer) to rezone 1419 Pennsylvania Avenue from “N3c” Neighborhood District to Limited “N3c-2” Neighborhood District to allow reuse of the existing structure for a duplex use, (11-4-24).
24. [On](#) a request from Measured 3708 SE 14th, LLC (Greg Danielson, Officer) regarding property in the vicinity of 3710 Southeast 14th Street to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Medium Density Residential to High Density Residential to allow expansion of the existing multiple-household residential development so that it has a net density greater than 17 dwelling units per acre, (11-4-24).
25. [On](#) request from Iowa Motor Carriers Foundation (Brenda Neville, Officer) for property located at 717 E. Court Avenue for an appeal of a denied Type 2 Design Alternative to waive undergrounding of overhead electrical lines where it is required, (11-4-24).
26. [On](#) the proposition to authorize a lease agreement in the principal amount not-to-exceed \$300,000 for the purpose of acquiring nine items of equipment for use in conjunction with city emergency snow and ice control operations, (11-4-24).

APPROVING

27. [Grant](#) Application to and subsequent grant agreement, if awarded, with the Polk County Housing Trust Fund (PCHTF) for \$150,000 toward owner-occupied repairs.

[\(Council Communication No. 24-425\)](#)

28. [Minimum](#) Assessment Agreement for the property located at 213 13th Street with 13th and Mulberry, LLC.

[\(Council Communication No. 24-430\)](#)

29. [Playground](#) equipment donation agreement with Kids Around the World, Inc. for removal and donation of Jordan and Sayers Parks Playground Equipment.

[\(Council Communication No. 24-423\)](#)

30. [Second](#) Amendment to Lower Fourmile Creek Greenway Management and Maintenance Chapter 28E Agreement between the City of Des Moines, Polk County and Polk County Conservation Board (PCCB).

[\(Council Communication No. 24-424\)](#)

31. [Exception](#) to competitive procurement requirements for good cause and approving Supplemental Agreement No. 3 with the Iowa Communications Network (ICN) for data center colocation services, fiber optic network hardware, network connectivity and hardware support.

[\(Council Communication No. 24-422\)](#)

32. [Purchase](#) of HPE Storage and Servers from OneNeck IT Solutions (Terry Swanson, President and CEO) per the State of Iowa Contract, NASPO Value Point Contract and City of Des Moines Short Form.

[\(Council Communication No. 24-419\)](#)

33. [Purchase](#) of fiber installation services from Commonwealth Electric Company of the Midwest (T. Michael Price, President, and CEO) using the State of Iowa Agreement and City of Des Moines Short Form.

[\(Council Communication No. 24-421\)](#)

34. [Purchase](#) from Heartland Business Systems (Peter Helander, President) of Cisco Data Center Network Hardware per State of Iowa and NASPO ValuePoint Agreements for use by the Information Technology Department, \$919,777.71.

[\(Council Communication No. 24-420\)](#)

35. [Purchase](#) and planting of 600 landscape trees from MB Lawn Care, LLC (Mirnes Becirovic, Owner) at the request of the Public Works Department, \$199,200. (Twelve potential bidders, seven received)

[\(Council Communication No. 24-431\)](#)

36. [City](#) Council meeting schedule for the 2025 calendar year.

- 37. [Receive](#) and file Quarterly Treasurer’s Report as of September 30, 2024.
- 38. [Issuance](#) of \$54,055,000 General Obligation Bonds, Series 2024A, levying a tax for payment, and approving the Tax Exemption Certificate and the Continuing Disclosure Certificate.
- 39. [Issuance](#) of \$10,025,000 Taxable General Obligation Bonds, Series 2024B, levying a tax for payment, and approving the Continuing Disclosure Certificate.
- 40. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 21 and 28, 2024; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 21 and 28, 2024; to draw checks for biweekly payroll due on November 1, 2024.

ORDINANCES - FINAL CONSIDERATION

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

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 43 THRU 47)

- 43. [On](#) conveyance of permanent underground electric easement to provide electric service to Stone Park on City-owned property at 2100 SE 5th Street to MidAmerican Energy Company.
- 44. [On](#) conveyance of vacated north/south alley adjoining 1316 E. 9th Street and 1309 Pennsylvania Avenue to Central Iowa Hospital Corporation, \$3,780.
- 45. [On](#) conveyance of 101 Franklin Avenue and a portion of vacated Ohio Street adjoining 101 Franklin Avenue to Mans Leasing Company, LC, \$75,553.

[\(Council Communication No. 24-412\)](#)

- 46. [On](#) vacation of portions of 23rd Street, High Street, 24th Street and the north/south alley right-of-way adjoining 601 24th Street and 602 23rd Street and conveyance to Rally Cap Properties, LLC, \$200.
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by Ryan Francois), requires six votes.
- 47. [On](#) vacation of portions of E. 36th Street, E. 36th Street Court, Arthur Avenue, E. 40th 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.
 - (A) [First](#) consideration of ordinance above.

* * * * END HEARINGS AT _____ PM * * * *

ORDINANCE FIRST CONSIDERATION

- 48. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows:
 - [\(Council Communication No. 24-410\)](#)
 - (A) Parking and Speed Limit Modifications – Aurora Avenue from Beaver Avenue to Merle Hay Road
 - (B) Parking and Traffic Control Modifications – 15th Street from Mulberry Street to Ingersoll Avenue and Walnut Street from 13th Street to 16th Street

49. Amending Chapters 134 and 135 of the Municipal Code relating to the agricultural use category; data center use within the commercial use category; separation requirements for liquor, beer and wine sales associated with a restaurant use; home occupations; medical office and daycare uses; applications and fees; accessory buildings; permitted use limitations for certain building types; setback averaging for street side yards; outdoor site lighting; Type 1 design alternatives; application submittal; and definitions.
- (A) Final consideration of ordinance above (waiver requested by Chris Johansen, Neighborhood Services Director), requires six votes.

COMMUNICATIONS/REPORTS

50. Requests to speak as follows:
- (A) None at this time.

MOTION TO ADJOURN.

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