

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

December 23, 2024
5:00 PM

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 45:

***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 POLLO RANCHERO | 1301 E WATROUS AVE | Class C Liquor |
| (B) PHINS PLACE | 4121 SE 14TH ST | Class C Liquor |

RENEWAL APPLICATIONS

- | | | |
|----------------------------|---------------------|------------------------|
| (C) 801 STEAK AND CHOP | 801 GRAND AVE #200 | Class C Liquor |
| (D) A DONG RESTAURANT | 1511 HIGH ST | Special Class C Liquor |
| (E) BAILEYS PUB N GRUB | 918 E EUCLID AVE | Class C Liquor |
| (F) CASEYS STORE #2786 | 5150 E 14TH ST | Class E Liquor |
| (G) CHRISTOPHERS DINING | 2816 BEAVER AVE | Class C Liquor |
| (H) DES MOINES CLUB | 666 GRAND AVE #3400 | Class F Retail |
| (I) EASTGATE LAUNDROMAT | 1424 E OVID AVE | Special Class C Liquor |
| (J) GIT N GO STORE #2 | 1307 ARMY POST RD | Class B Retail |
| (K) HIGHLAND PARK POST | 3712 2ND AVE | Class F Retail |
| (L) HY-VEE FAST & FRESH #3 | 3215 SE 14TH ST | Class B Retail |
| (M) LA CABANA MEXICAN | 1435 ARMY POST RD | Class C Liquor |
| (N) LOS LAURELES | 1518 E GRAND AVE | Class C Liquor |
| (O) MAINGATE BAR & GRILL | 2956 E GRAND AVE | Class C Liquor |

(P) NOW OR LATER	3750 E UNIVERSITY AVE	Class C Liquor
(Q) QUIK TRIP #544	3941 SE 14TH ST	Class E Liquor
(R) STAYBRIDGE SUITES	201 E LOCUST ST	Class B Retail
(S) STRIKING SPARROW	1930 SE 6TH ST	Class C Liquor
(T) TANGERINE FOOD CO	900 KEOSAUQUA WAY	Class C Liquor
(U) TEMPLE THEATER	1011 LOCUST ST	Class C Liquor
(V) UNIVERSITY LIBRARY	3506 UNIVERSITY AVE	Class C Liquor

SPECIAL EVENT APPLICATIONS

- (W) APRES BAR CO 519 PARK ST 5 days
CLASS C LIQUOR LICENSE FOR THE WEDDING SHOW ON JANUARY 5, 2025.
- (X) DM EMBASSY CLUB WFP 100 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR AN EVENT ON JANUARY 13, 2025.

5. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. [Approval](#) of contract and bond for construction of an improvement with an estimated cost which is less than the Iowa Code competitive bid threshold, Northwest Pool Repair and Painting Improvements, A1A Sandblasting (Iowa), Michael Marjama, Owner, \$89,200.

[\(Council Communication No. 24-515\)](#)

7. [Designation](#) of lowest responsive, responsible bidder as MPS Engineers, PC d/b/a Kingston Services, PC (Umesh G. Shetye, President) and approval of contract and bond on 2025 Neighborhood Sidewalk Program, \$1,174,975.

[\(Council Communication No. 24-521\)](#)

8. [Approving](#) Supplemental Agreement No. 4 to the Professional Services Agreement with I&S Group, Inc. for the Market District Street Reconstruction Project (E. 1st, E. 2nd, E. 3rd, and E. 7th Streets), not to exceed \$249,840.

[\(Council Communication No. 24-517\)](#)

9. [Authorizing](#) submittal of Federal Surface Transportation Block Grant (STBG) Set-Aside Program Fiscal Year (FY) 2029 applications to the Des Moines Area Metropolitan Planning Organization (MPO).

[\(Council Communication No. 24-514\)](#)

10. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with SmithGroup, Inc. for the Birdland Park Phase 1 Improvements project, not to exceed \$57,785.

[\(Council Communication No. 24-518\)](#)

11. [Approving](#) Change Order No. 3 with Grimes Asphalt and Paving Corporation for additional work on 2023 Hot Mix Asphalt (HMA) Residential Paving Program Contract 1 – Local Option Sales and Service Tax (LOSST), \$216,156.19.

[\(Council Communication No. 24-519\)](#)

12. [Acceptance](#) of a proposal from MidAmerican Energy Company to relocate existing overhead utilities transversely crossing 2nd Avenue to underground for the 2nd Avenue Reconstruction from University Avenue to the Des Moines River, estimated cost \$389,410.

[\(Council Communication No. 24-522\)](#)

13. [Acceptance](#) of a proposal from MidAmerican Energy Company to install streetlights on Broadway Avenue from 818 NE 46th Avenue to E. 14th Street, estimated cost \$38,987.15.

[\(Council Communication No. 24-524\)](#)

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

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

- (A) [2024](#) HMA Residential Paving Program Contract 1 – InRoads, LLC.
- (B) [2024](#) Neighborhood Sidewalk Program Contract 2 – TK Concrete, Inc.
- (C) [30th](#) Street Sidewalk from Urbandale Avenue to Euclid Avenue – MPS Engineers, PC d/b/a Kingston Services, PC.

SPECIAL ASSESSMENTS

16. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2024-12.
17. [Levying](#) Assessments for costs of Public Works Sewer Repair at 2902 Cottage Grove Avenue, Schedule No. 2024-04.
18. [Deletion](#) of rental inspection assessment at 4108 39th Place.

LAND/PROPERTY TRANSACTIONS

19. [Dedicating](#) SW 16th Street right-of-way south of vacated Wabash Street to future Gray's Parkway for the Gray's Station Roadway Improvements at SW 16th Street and Tuttle Street.

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 19-I [Recommendation](#) from Mayor Boesen to appoint David Gross to the Water Works Board of Trustees, Seat 3, for a term expiring April 1, 2025.

SETTING DATE OF HEARINGS

20. [On](#) a land exchange agreement with Galinsky Family Real Estate, LLC and the Gary L. Galinsky Trust and Mindy Sue Galinsky Trust for property located at 3028 Maury Street and 3016 Maury Street for the SE Connector – SE 30th Street to U.S. Highway 65 Project, (1-13-25).
21. [On](#) request from Asokarama Arkakka Buddhist Society (U Thein Maung Zaw, Officer) for property located in the vicinity of 4211 E. 38th Street to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of the property from Low Density Residential and Parks and Open Space to Public/Semi-Public, and to rezone the property from “N2a” Neighborhood District and “F” Flood District to Limited “P2” Public, Civic, and Institutional District, to allow use of the property for an “Assembly/Place of Worship” use, (1-13-25).
22. [On](#) request from Steinbeck Properties, LLC (Usman Haq, Officer) to rezone property in the vicinity of 955 24th Street from “N5” Neighborhood District to Limited “N5-2” Neighborhood District to allow construction of a two-household residential dwelling (duplex), (1-13-25).
23. [On](#) request from Luis E. Ochoa (Owner) to rezone 617 Scott Avenue from “DXR” Downtown District to Limited “MX3” Mixed Use District to allow a “Vehicle Maintenance and Repair – Minor” use, (1-13-25).
24. [On](#) application to Iowa Economic Development Authority (IEDA) for Community Development Block Grant Funds to prepare, prevent and respond to coronavirus (CDBG-CV) funding, (1-13-25).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. [Approving](#) payment to Norfolk Southern Railroad.
26. [Approving](#) payment to Jeri Smith for a personal injury claim.

27. [Approving](#) payment to Logan Underwood for a personal injury claim.
28. [Approving](#) payment to Davik Properties, LLC for a property damage claim.
29. [Approving](#) payment to Rebecca McDaniel for a property damage claim.
30. [Approving](#) payment to Robert and Brittany Willson for a property damage claim.

CITY MANAGER COMMUNICATIONS

31. [Submitting](#) travel and training request for Mayor Connie Boesen.

[\(Council Communication No. 24-530\)](#)

APPROVING

32. [HOME](#) Investment Partnerships Program (HOME) Community Housing Development Organization (CHDO) Funding for Home Opportunities Made Easy, Incorporated (HOME, Inc.) to construct an affordable single-family home at 2119 23rd Street.

[\(Council Communication No. 24-527\)](#)

33. [Preliminary](#) commitment of \$500,000 in Home Investment Partnership (HOME) Funds for the acquisition of the Goldfinch Lofts multifamily building at 3422 Ingersoll Avenue resulting in 28 affordable residential rental units.

[\(Council Communication No. 24-528\)](#)

- ~~33-I Moved to 50-I. Items regarding 515 Walnut LLC's project to construct a 33-story, 390-unit, high rise apartment building at 515 Walnut Street:~~

~~[Council Communication No. 24-536](#)~~

- ~~(A) [Final](#) terms of an urban renewal development agreement and approving the conceptual development plan.~~
- ~~(B) [Grant](#) Agreement in support of the construction project.~~
- ~~(C) [Parking](#) License Agreement for the use of spaces in the City's Fifth and Walnut Street parking garage.~~

34. [First](#) Amendment to Urban Renewal Development Agreement with Stapek Partners, LLC for the renovation of the existing 17,657-square-foot commercial building located at 112 SE 4th Street for commercial and residential mixed-uses.

[\(Council Communication No. 24-532\)](#)

35. [First](#) Amendment to Urban Renewal Agreement for sale of land for private redevelopment with Des Moines Industrial, LLC.

[\(Council Communication No. 24-533\)](#)

36. [First](#) Amended and Restated Skywalk Corridor Surface Lease Agreement with Downtown DSM, Inc.

37. [Acceptance](#) of the 2024 Edward Byrne Memorial, Justice Assistance Grant (JAG) award, \$173,109.

[\(Council Communication No. 24-508\)](#)

38. [2025](#) Cooperative Agreement between the Human Rights Commission and the Iowa Civil Rights Commission.

[\(Council Communication No. 24-523\)](#)

39. [Amendment](#) No. 1 to Water Quality Initiative Urban Conservation Demonstration Projects cost-share grant contract with the Iowa Department of Agriculture and Land Stewardship (IDALS) in the amount of \$500,000 for the Des Moines Stormwater Detention Basin Water Quality Retrofit Project.

[\(Council Communication No. 24-509\)](#)

40. [Second](#) Amendment to Agreement for Management Services for Municipal Parking Facilities with ABM Parking Services, Inc. (ABM).

[\(Council Communication No. 24-520\)](#)

41. [Procurement](#) of critical care and EMS equipment from Stryker Sales LLC (Anne Mullally, Vice President and General Manager) for the Fire Department and approval of utilizing the SourceWell Cooperative Agreement and Supplemental Agreement, \$1,500,569.51.

[\(Council Communication No. 24-526\)](#)

42. [Amendment](#) to Schedule of Fees for Chapter 60 as it relates to rental inspections and rental property licensing and Chapter 26 regarding building and building regulations.

[\(Council Communication No. 24-534\)](#)

43. Abatement of public nuisances as follows:

- (A) [1318](#) 9th Street.
- (B) [3211](#) Pleasant Street.

- 44. [Receipt](#) of Des Moines Water Works budget for calendar year ending December 31, 2025.
- 45. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 23 and 30, 2024 and January 6, 2025; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 23 and 30, 2024 and January 6, 2025; to draw checks for biweekly payroll due on December 27, 2024 and January 10, 2025.

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

ORDINANCES SECOND CONSIDERATION

- 46. [Repeal](#) and replace Chapter 61 of the Municipal Code relating to property maintenance and vacant property.

[\(Council Communication No. 24-535\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Chris Johansen, Director, Neighborhood Services Director), requires six votes.

HEARINGS (OPEN AT 5:00 PM) (ITEMS 47 THRU 50)

- 47. [On](#) vacation of the north/south alley right-of way lying west of and adjoining 2116 Searle Street and conveyance to Leonard Cosimo, \$50.

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

- 48. [On](#) request from 414 61st Street, LLC (Daniel Doyle, Officer) for property located in the vicinity of 414 61st Street to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of the property from Parks and Open Space and Development Control to Community Mixed Use and to rezone the property from “F” Flood District to “RX1” Mixed Use District, to allow reuse of an existing building as an office, (**Choose one alternative below**). (Requires six votes for approval due to Plan and Zoning Commission recommending denial)

- (A) Deny.

OR

- (B) To continue the hearing until January 13, 2025 and direct the City Manager and Legal Department to prepare the necessary legislation to approve.

49. [On](#) 2025 Citywide PCC Pavement Patching Program: 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), \$1,380,796.

[\(Council Communication No. 24-512\)](#)

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

50. [On](#) Jordan Park Sprayground: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as The Henley Group, LLC (Tyler C. Henley, President), \$560,752.50.

[\(Council Communication No. 24-513\)](#)

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

****END HEARINGS AT _____PM****

APPROVING

- 50-I Items regarding 515 Walnut LLC's project to construct a 33-story, 390-unit, high rise apartment building at 515 Walnut Street:

[\(Council Communication No. 24-536\)](#)

- (A) [Final](#) terms of an urban renewal development agreement and approving the conceptual development plan.
(B) [Grant](#) Agreement in support of the construction project.
(C) [Parking](#) License Agreement for the use of spaces in the City's Fifth and Walnut Street parking garage

ORDINANCES FIRST CONSIDERATION

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

[\(Council Communication No. 24-516\)](#)

- (A) Parking Modifications:
(1) 17th Street – Ingersoll Avenue to Woodland Avenue.
(2) High Street – 16th Street to 17th Street
(B) Parking Correction – Update parking restriction to match field condition on the east side of E. 6th Street between E. Walnut Street and E. Locust Street.

(C) Code Modification – Locust Street between 3rd Street and 4th Street.

52. [Amending](#) Chapter 114 of the Municipal Code relating to non-vehicular traffic, including pedestrian conveyances and bicyclists' right-of-way at certain crosswalks.

[\(Council Communication No. 24-511\)](#)

53. [Amending](#) Chapter 114 of the Municipal Code relating to City-owned electric vehicle charging stations.

[\(Council Communication No. 24-510\)](#)

(A) Final consideration of ordinance above (waiver requested by Steve Naber, City Engineer), requires six votes.

54. Number not used.

55. Number not used.

56. [Amending](#) Chapter 30 of the Municipal Code relating to regulations of certain tobacco products and providing penalties.

[\(Council Communication No. 24-525\)](#)

(A) [Final](#) consideration of ordinance above (waiver requested by Laura Baumgartner, City Clerk), requires six votes.

57. [Amending](#) Chapter 26 of the Municipal Code relating to building and building regulations.

[\(Council Communication No. 24-531\)](#)

58. [Amending](#) Chapter 60 of the Municipal Code relating to pest control, light and ventilation in rental properties.

[\(Council Communication No. 24-537\)](#)

COMMUNICATIONS/REPORTS

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

- (A) Jolene Prescott
- (B) Garland Armstrong
- (C) Heather Armstrong
- (D) Devon Fishback
- (E) Carol Maher
- (F) Joe Durby

MOTION TO ADJOURN.

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