



**\*\*\* DES MOINES CITY COUNCIL MEETING REPORT \*\*\***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '23-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

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

**January 23, 2023**  
**5:00 PM**

**I. ~~CLOSED SESSION — 3:00 PM CANCELLED~~**

~~(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 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.~~

\* \* \* \* \*

## PROCLAMATION – 4:50 PM

Human Trafficking Prevention and Awareness Month

- [23-0080](#) 1. ROLL CALL: **Present: Cownie, Boesen, Gatto, Mandelbaum, Sheumaker, Voss and Westergaard.**
- [23-0081](#) I **Amending** the procedural rules of the Des Moines City Council. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 5-2. Nays: Sheumaker and Mandelbaum.**
- [23-0082](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0083](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 25: **Moved by Gatto to adopt the balance of the Consent Agenda. Second by Boesen. Motion Carried 7-0.**

**\*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

- [23-0084](#) 4. **Approving** Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0. Council Member Westergaard votes no on items L, M and N.**

### NEW APPLICATION

(A) E 25TH ST PUB & GRUB	509 E 25TH ST	Class C Liquor
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### RENEWAL APPLICATIONS

(B) 300 CRAFT & ROOFTOP	300 W MLK JR PKWY	Class C Liquor
(C) ALBA RESTAURANT	519 DES MOINES ST	Class C Liquor
(D) APOSTO	644 18TH ST	Class C Liquor
(E) BEAVER TAP	4050 URBANDALE AVE	Class C Liquor
(F) BEST FOOD MART	4028 E 14 <sup>TH</sup> ST	Class E Liquor
(G) CASEYS GENERAL STORE #2244	2150 E ARMY POST RD	Class B Retail
(H) CASEYS GENERAL STORE #3518	1907 ARMY POST RD	Class E Liquor
(I) FAREWAY STORES INC #183	4313 FLEUR DR	Class E Liquor
(J) FAST MART	1621 UNIVERSITY AVE	Class E Liquor
(K) FLYING MANGO	4345 HICKMAN RD	Class C Liquor
* (L) GIT N GO STORE #18	6501 SE 14TH ST	Class B Retail
* (M) GIT N GO STORE #29	4900 URBANDALE AVE	Class B Retail
* (N) GIT N GO STORE #32	2911 DOUGLAS AVE	Class B Retail

(O) HY VEE #6	420 COURT AVE (STORE)	Class E Liquor
(P) HY VEE MARKET GRILLE #6	420 COURT AVE (CAFE)	Class C Liquor
(Q) IOWA TAPROOM	215 E 3RD ST #100	Class C Liquor
(R) JIFFY #924	3718 SW 9TH ST	Class B Retail
(S) LIFT	222 4TH ST	Class C Liquor
(T) MAD MEATBALL PIZZERIA	210 SW 11TH ST	Class C Liquor
(U) MAGGIES RUMBLE ROOM	1430 2ND AVE	Class C Liquor
(V) MARIANAS	1305 UNIVERSITY AVE	Special Class C
(W) PALMERS DELI & MARKET	2843 INGERSOLL AVE	Class C Liquor
(X) PANKA PERUVIAN	2708 INGERSOLL AVE	Class C Liquor
(Y) PUEBLO VIEJO	3841 E 14TH ST	Class C Liquor
(Z) QUINTONS BAR & GRILL	506 E GRAND AVE	Class C Liquor
<del>(AA) RESIDENCE INN DES MOINES</del>	<del>100 SW WATER ST</del>	<del>Class B Liquor</del>
(BB) SNAKE PIT LOUNGE	3100 MCKINLEY AVE	Class A Liquor
(CC) TANGERINE FOOD COMPANY	4700 GRAND AVE	Class C Liquor
(DD) TOBACCO OUTLET PLUS #521	3301 E EUCLID AVE	Class B Retail

#### SPECIAL EVENT APPLICATIONS

(EE) CAMPBELLS CONCESSIONS      3000 E GRAND AVE      14 days  
CLASS C LIQUOR LICENSE FOR THE IOWA BEEF EXPO ON FEBRUARY 11 –  
19, 2023.

(FF) GREAT CATERERS OF IOWA      519 PARK ST      5-day  
CLASS C LIQUOR LICENSE FOR I’LL MAKE ME A WORLD IN IOWA EVENT  
ON JANUARY 28, 2023

#### TRANSFER TO NEW LOCATION

(GG) ELWELL FAMILY FOOD CENTER      3000 E GRAND AVE      Class C Liquor  
TEMPORARY TO THE VARIED INDUSTRIES BUILDING FOR A RETIREMENT  
PARTY ON JANUARY 27, 2023.

[23-0085](#)

5. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- [23-0086](#) (A) [2023](#) HMA Resurfacing Program Contract 1: Receiving of bids, (2-7-23) and Setting date of hearing, (3-6-23), Engineer's estimate, \$1,200,000. ([Council Communication No. 23-030](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0087](#) (B) [E.](#) 4<sup>th</sup> Street Reconstruction from East ML King Jr Parkway to E. Market Street: Receiving of bids, (2-7-23) and Setting date of hearing, (2-20-23), Engineer's estimate, \$4,750,000. ([Council Communication No. 23-038](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0088](#) (C) [Easter](#) Lake Drive Sidewalk from Indianola Avenue to Easter Lake Park: Receiving of bids, (2-7-23) and Setting date of hearing, (3-6-23), Engineer's estimate, \$2,200,000. ([Council Communication No. 23-033](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0089](#) (D) [Western](#) Gateway Water Features: Receiving of bids, (2-7-23) and Setting date of hearing, (2-20-23), Engineer's estimate, \$925,000. ([Council Communication No. 23-035](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0090](#) (E) [Woodland](#) Cemetery Roadway Improvements: Receiving of bids, (2-7-23) and Setting date of hearing, (3-6-23), Engineer's estimate, \$775,000. ([Council Communication No. 23-036](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-0091](#) 7. [Approving](#) Private Construction Contract between Graphite Construction Group, Inc. and Merle Hay Anchors, LLC for storm sewer improvements in 4000 Merle Hay Road. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 5-2. Nays: Gatto and Westergaard.**

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

- [23-0092](#) (A) [Skywalk](#) HVAC Replacement Phase 4, Stein Heating & Cooling Inc. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0093](#) (B) [Observatory](#) Road Reconstruction from Polk Blvd West to Parking Lot, InRoads, LLC. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0094](#) (C) [E.](#) 3<sup>rd</sup> Street Reconstruction from E. Court Avenue to Iowa Interstate Railroad, Minturn, Inc. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- [23-0095](#) 9. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2023-01. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

- [23-0096](#) 10. [Approval](#) of final subdivision plat for Three Lakes Estates Plat 8. ([Council Communication No. 23-042](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

- [23-0097](#) 11. [Approval](#) of final subdivision plat and acceptance of restoration surety for the Creek at Echo Valley Plat 1. ([Council Communication No. 23-041](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [23-0098](#) 12. [Receipt](#) of communication from Izaah Knox advising of his resignation from the Des Moines Civil and Human Rights Commission, Seat 5, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Second by Boesen. Motion Carried 7-0.**

- [23-0099](#) 13. [Recommendation](#) from Council Member Westergaard to appoint Nate Niceswanger to Des Moines Civil and Human Rights Commission, Seat 5, expiring March 31, 2024. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

- [23-0100](#) 13-I [Recommending](#) Linda Westergaard as Public Official and Robert Mahaffey as Senior Representative to the Aging Resources of Central Iowa Board of Directors for calendar year 2023. **Moved to Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [23-0101](#) 14. [On](#) the proposition to authorize lease purchase agreements in the total principal amount not to exceed \$900,000 for the purpose of acquiring certain items of equipment consisting of up to fourteen vehicles, (2-6-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [23-0102](#) 15. [Approving](#) payment to Dejuan Haynes. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

## APPROVING

- [23-0103](#) 16. [Final](#) terms of an Urban Renewal Development Agreement with Union at Rivers Edge, LP (The Annex Group) for the new construction of a 216-unit multi-family apartment project located at 1600 Indianola Avenue. ([Council Communication No. 23-046](#)) **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 6-1. Nays: Gatto.**

- [23-0104](#) (A) [Agreement](#) with Union at Rivers Edge, LP to provide a grant of \$300,000 in conjunction with the Urban Renewal Development Agreement. ([Council Communication No. 23-045](#)) **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 6-1. Nays: Gatto.**

- [23-0105](#) 17. [Four](#) Party Funding Agreement between Blackacre Development, LLC (Krause+), HCR NFS I, LLC (Hubbell), River Point West, LLC (Sherman) and the City of Des Moines to reconstruct Tuttle Street from SW 12<sup>th</sup> Street to SW 14<sup>th</sup> Street. ([Council Communication No. 23-043](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

- [23-0106](#) 18. [Clarifying](#) the affordability requirements for a grant agreement with Star Apartments, LLC for affordable housing at 2701 Ingersoll Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

- [23-0107](#) 19. [Authorizing](#) release of special assessments and partial release of judgement liens for certain properties acquired through the tax sale certificate process. ([Council Communication No. 23-034](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

- [23-0108](#) 20. [Agreement](#) with the Des Moines Airport Authority for conveyance of an irrigation system to the City on property being leased to the Authority for the Fleur Drive Reconstruction, Phase 3 from Watrous Avenue to McKinley Avenue Project. ([Council Communication No. 23-032](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

- [23-0109](#) 21. [Amended](#) and Restated 28E Agreement with the Neighborhood Development Corporation. ([Council Communication No. 23-031](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
  
- [23-0110](#) 22. [Receive](#) and file Quarterly Treasurer’s Report as of December 31, 2022. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
  
- 23. Abatement of public nuisances as follows:
  - [23-0111](#) (A) [1439](#) E. Ovid Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
  - [23-0112](#) (B) [6309](#) South Union Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
  - [23-0113](#) (C) [7301](#) Fleur Drive, Unit 2. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
  - [23-0114](#) (D) [7301](#) Fleur Drive, Unit 31. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
  
- [23-0115](#) 24. [Purchase](#) from Electric Pump & Tool Services, Inc. (Tom Miller, President) for Flygt pump repair parts and services at storm and sanitary pump stations, additional amount \$50,000. ([Council Communication No. 23-044](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
  
- [23-0116](#) 25. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 23 and January 30, 2023; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 23 and January 30, 2023; to draw checks for biweekly payroll due January 27, 2023. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

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

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 26 THRU 31)**

- [23-0117](#) 26. **On** vacation of Allen Park as parkland due to the Des Moines River Levee Alterations Project – Phase C, located along the Des Moines River at 800 SE 6<sup>th</sup> Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0118](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Seconded by Boesen. Motion Carried 7-0.**
- [23-0119](#) (B) **Final** consideration of ordinance above (waiver requested by Ben Page, Parks and Recreation Director), requires six votes. **Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #16,217. Seconded by Boesen. Motion Carried 7-0.**
- [23-0120](#) (C) **On** naming of dedicated parkland located in the vicinity of SE 5<sup>th</sup> Street and E. Titus Avenue as Allen Park. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0121](#) 27. **Dismissing** hearing on In-Building Lease and Agreement with USCOC of Greater Iowa, LLC (US Cellular) for wireless communication equipment within Municipal Services Center Phase 2. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0122](#) 28. **On** Second Amendment to lease of the A.H. Blank Park Zoo to the Blank Park Zoo Foundation, Inc. ([Council Communication No. 23-040](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0123](#) 29. **On** Fifth Amendment to lease of the Des Moines Botanical Center to the Greater Des Moines Botanical Garden Corporation. ([Council Communication No. 23-039](#)) **Moved by Westergaard to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0124](#) (A) **First** Amendment to Amended and Restated Urban Renewal Development Agreement with the Greater Des Moines Botanical Garden. **Moved by Westergaard to adopt. Second by Voss. Motion Carried 7-0.**
- [23-0125](#) 30. **On** Sixth Amendment to Real Estate Lease and Asset Transfer Agreement with the Des Moines Airport Authority to exclude excess property adjoining Fleur Drive between Highview Drive and McKinley Avenue. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**
- [23-0126](#) (A) **Dedicating** additional Fleur Drive right-of-way as part of the Airport Cowles Drive Reconstruction – Phase 2 project. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**



[23-0127](#)

31. On request from the Greater Des Moines Partnership and City of Des Moines for review and recommendation to adopt the DowntownDSM: Future Forward Plan as an element of PlanDSM: Creating Our Tomorrow Comprehensive Plan. **Moved by Voss to continue to the February 6, 2023 Council meeting. Second by Mandelbaum. Motion Carried 7-0.**

\*\*\*END HEARINGS AT 5:18 PM\*\*\*

### ORDINANCES SECOND CONSIDERATION

[23-0128](#)

32. Rezone 810 E. Euclid Avenue from “N5” Residential District to Limited “MX3” Mixed Use District to allow the expansion of the parking lot to the east (Git-N-Go). **Moved by Westergaard to continue to the February 6, 2023 Council meeting. Second by Gatto. Motion Carried 7-0.**

WITHDRAWN

[23-0129](#)

- (A) ~~Final consideration of ordinance above (waiver requested by Dennis Flora, President Git-N-Go), requires six votes.~~

### ORDINANCES FIRST CONSIDERATION

[23-0130](#)

33. Amending Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: (Council Communication No. 23-037) **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 7-0.**

(A) Prohibition of turns on red on Grand Avenue at 9th Street – westbound left turn.

(B) Code modification on 5th Avenue from Watson Powell Jr. Way to School Street.

[23-0131](#)

- (C) Final consideration of ordinance above, requires six votes. **Moved by Mandelbaum that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #16,218. Second by Boesen. Motion Carried 7-0.**

[23-0132](#)

34. **Amending** Chapter 2 of the Municipal Code relating to procurement by increasing the dollar value of contracts for goods and services that are administratively approved, revising the bid and request for proposal processes to utilize online bidding and proposal platforms(s), and to delete requirement for public openings of sealed bids and proposals in response to request for proposal. ([Council Communication No. 23-047](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 7-0.**

[23-0133](#)

- (A) **Final** consideration of ordinance above (waiver requested by Nick Schaul, Finance Director), requires six votes. **Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #16,219. Second by Boesen. Motion Carried 7-0.**

#### COMMUNICATIONS/REPORTS

[23-0134](#)

35. **Requests** to speak as follows: **Moved by Gatto to receive and file. Second by Boesen. Motion Carried 7-0.**

- (A) Adam Callanan
- (B) Anna Noel
- (C) Lori Ann Young
- (D) Harvey Harrison
- (E) Jolene Prescott

[23-0135](#)

**MOTION TO ADJOURN. Moved by Gatto to adjourn at 5:40 PM. Second by Boesen. Motion Carried 7-0.**

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