



***** 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

February 6, 2023
5:00 PM

PROCLAMATIONS – 4:45 PM

Black History Month

Transit Equity Week

- [23-0136](#) 1. ROLL CALL: **Present: Cownie, Boesen, Gatto, Mandelbaum, Sheumaker, Voss and Westergaard.**
- [23-0137](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0138](#) 3. APPROVING CONSENT AGENDA * – items 3 through 42: **Moved by Gatto to adopt. 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

- [23-0139](#) 4. [Approving](#) Alcoholic Beverage Applications for the following: **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

NEW APPLICATIONS

(A) SMOKING GOAT PUB 3015 MERLE HAY RD Class C Liquor

RENEWAL APPLICATIONS

(B) CASH SAVER #33 1320 E EUCLID AVE Class E Liquor
(C) DES MOINES YACHT 2617 INGERSOLL AVE Class C Liquor
(D) GIT N GO STORE #23 2930 HICKMAN RD Class B Retail
(E) LA TAPATIA 2 3504 MERLE HAY RD Class B Retail
(F) LACHELES FINE FOODS 2716 INGERSOLL AVE Class C Liquor
(G) LACRUZ #3 3900 E 14TH ST #1 Class B Retail
(H) MACCABEES DELI 1150 POLK BLVD Class B Retail
(I) TUPELO HONEY CAFE 665 GRAND AVE Class C Liquor

SPECIAL EVENT APPLICATIONS

(J) GREAT CATERERS 519 PARK ST 5 days
CLASS C LIQUOR LICENSE FOR HOOVER/MEREDITH COMMUNITY
LEARNING FOUNDATION EVENT ON FEBRUARY 11, 2023.
(K) GREAT CATERERS 3000 E GRAND AVE 5 days
CLASS C LIQUOR LICENSE FOR IOWA SIMMENTAL ASSOCIATION EVENT
ON FEBRUARY 11, 2023.

- [23-0140](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Nays: Cownie.**

- [23-0141](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[23-0142](#) (A) [Tuttle](#) Street Construction from SW 12th Street to SW 14th Street: Receiving of bids, (2-21-23) and Setting date of hearing, (3-27-23), Engineer's estimate, \$1,700,000. ([Council Communication No. 23-061](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-0143](#) (B) [Guthrie](#) Avenue Trail from E. 21st Street to Hubbell Avenue: Receiving of bids, (2-21-23) and Setting date of hearing, (3-6-23), Engineer's estimate, \$1,350,000. ([Council Communication No. 23-060](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-0144](#) (C) [2023](#) Neighborhood Sidewalk Program Contract 1: Receiving of bids, (2-21-23) and Setting date of hearing, (3-6-23), Engineer's estimate, \$800,000. ([Council Communication No. 23-066](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-0145](#) (D) [4th](#) & Grand Parking Garage Skywalk Improvements: Receiving of bids, (3-7-23) and Setting date of hearing, (3-27-23), Engineer's estimate, \$216,500. ([Council Communication No. 23-063](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

8. Number not used.

[23-0146](#) 9. [Approving](#) exception to Request for Proposal process for good cause and approving Professional Services Agreement with HR Green, Inc., for Intelligent Transportation Systems (ITS) Master Plan Integration – Phase 4, not to exceed \$206,400. ([Council Communication No. 23-057](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-0147](#) 10. [Approving](#) Change Order No. 3 with Peterson Contractors, Inc. for additional work on Des Moines Levee Alterations – Phase B, \$503,039.80. ([Council Communication No. 23-055](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-0148](#) 11. [Approving](#) Change Order No. 1 with Iowa Signal, Inc. for additional work on 2023 Traffic Signal Replacement Contract 1, \$185,265.41. ([Council Communication No. 23-062](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

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

[23-0149](#)

(A) [George](#) Flagg Parkway Resurfacing from Fleur Drive to SW 30th Street, InRoads, LLC. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-0150](#)

(B) [Des](#) Moines River Levee Alterations Phase A, Corell Contractor, Inc. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

[23-0151](#)

13. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2023-02. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

[23-0152](#)

14. [Approving](#) the removal of Idriss Abdullahi, Seat 3, and approving the appointment of Angelina Dang, Seat 3; Alontae Gross, Seat 12; and Hayat Yimer, Seat 13, to the Youth Advisory Board for a term expiring July 31, 2023. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

[23-0153](#)

15. [Regarding](#) request from Hoyt, LLC (Ryan Wade, Officer) for vacation of alley right-of-way in the vicinity of 1601 High Street to allow trash enclosure gates to swing into the existing alleyway. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Second by Boesen. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

[23-0154](#)

16. [On](#) conveyance of an easement for a fiber optic line in a portion of Greenwood Park to Mediacom Communications Corporation for \$13,150, (2-20-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-0155](#)

17. [On](#) request from LDS Enterprises, LLC (Larry D Sprague, Officer) to rezone 4415 Hubbell Avenue from “MX3” Mixed Use District to Limited “CX” Mixed Use District to allow use of the property for auto body painting, (2-20-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-0156](#)

18. [On](#) request from Langworthy Enterprises XIII, LLC (Daniel E. Langworthy, Officer) to amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low-Medium Density Residential to High Density Residential, and to rezone 1327 13th Street from “N5” Neighborhood District to Limited “NX2” Mixed Use District, to allow use of the property for a multiple-household use with up to 6 dwelling units, (2-20-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

- [23-0157](#) 19. [On](#) request from Twenty-Five Thirteen Woodland, LLC (Steve Wilke-Shapiro, Officer) to amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification of 2513 Woodland Avenue from Low Density Residential to Neighborhood Mixed Use and to rezone the property from “N5” Neighborhood District to Limited “RX1” Mixed Use District to allow renovation of the existing building for an office use, (2-20-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0158](#) 20. [On](#) request from 4820 Ingersoll Propco, LLC (John Manfredy, Officer) to amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use designation of 4820 Ingersoll Avenue from Medium Density Residential to High Density Residential to allow redevelopment of the property with a density greater than 17 dwelling units per acre, (2-20-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0159](#) 21. [On](#) establishing the total maximum property tax dollars certified for levy for fiscal year ending June 30, 2024, (2-20-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0160](#) 22. [On](#) the proposed Urban Renewal Plan for the Upper East Village Urban Renewal Area, (3-6-23). ([Council Communication No. 23-069](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0161](#) 23. [On](#) the proposed Urban Renewal Plan for the Airport Development Urban Renewal Area, (3-6-23). ([Council Communication No. 23-064](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [23-0162](#) 24. [Approving](#) payment to Afton and William Ferguson for a property damage claim. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0163](#) 25. [Approving](#) payment to MidAmerican Energy for a property damage claim. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0164](#) 26. [Approving](#) payment to State Farm as subrogee of Rachel Perez for a property damage claim. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

APPROVING

- [23-0165](#) 27. [Final](#) Terms of an Urban Renewal Development Agreement and Conceptual Development Plan with Hoyt, LLC for the construction of a 47-unit apartment building located at 610 16th Street. ([Council Communication No. 23-070](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

WITHDRAWN

[23-0166](#)

28. ~~Amendment to the Parcel Development Agreement and Supplemental Agreement with Blackacre Development, LLC, and River Point West, LLC, regarding the construction of a mixed use development with an outdoor sports and entertainment venue along SW 14th Street, south of W. Martin Luther King Jr. Parkway. (Council Communication No. 23-068)~~

[23-0167](#)

29. [First](#) Amendment and Assignment of Urban Renewal Development Agreement with ND 22 Fleming, LLC and Assignment for Collateral. ([Council Communication No. 23-065](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-0168](#)

30. [Purchase](#) of 1.74 acres of forested wetland mitigation credits from the C & W Hunter Mitigation Bank for the Des Moines Levee Alterations – Phase C, \$113,400. ([Council Communication No. 23-056](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-0169](#)

31. [First](#) amendment to agreement to transfer and develop potential carbon and environmental credits with Trees Forever, Inc. ([Council Communication No. 23-071](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-0170](#)

32. [Submitting](#) applications for the 2023 Homeland Security Grant Program on behalf of the statewide Weapons of Mass Destruction (WMD/SWAT) and the Explosive Ordnance Detection (EOD) teams with an additional application for the 2019 Homeland Security Reallocation grant on behalf of the WMD/SWAT statewide teams. ([Council Communication No. 23-067](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Nays: Sheumaker.**

[23-0171](#)

33. [Appointment](#) of Rachel Brown as Deputy City Clerk. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-0172](#)

34. [Communication](#) from the Greater Des Moines Partnership on behalf of the Iowa State Fair, requesting approval of placement for up to 25 banners to be displayed on banner poles in downtown Des Moines beginning the first week of July 2023. **Moved by Gatto to receive, file and approve. Second by Boesen. Motion Carried 7-0.**

[23-0173](#)

35. [Abatement](#) of public nuisance at 1807 York Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-0174](#)

36. [Release](#) of Fire Escrow at 5601 Kingman Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-0175](#)

37. [Procurement](#) from Diamond Vogel Paint of traffic paint per State of Iowa Department of Transportation contract for use by the Engineering Department, \$125,000. ([Council Communication No. 23-058](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

- [23-0176](#) 38. [Procurement](#) from Gray Manufacturing Company, Inc. of twelve (12) Wireless Portable Lift Systems per Houston Galveston Area Council (HGAC) contract for use by the Fire Department, \$147,672.84. ([Council Communication No. 23-049](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0177](#) 39. [Purchase](#) from Bob Brown Chevrolet Inc. (Tim Manning, General Manager) of auto body repairs per State of Iowa Department of Administrative Services (DAS) contract for use by Fleet Services, estimated amount \$50,000. ([Council Communication No. 23-053](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0178](#) 40. [Additional](#) funds of \$200,000 for auto body repairs from Stew Hansen Dodge City (Dan Boettcher, General Manager) per State of Iowa Department of Administrative Services (DAS) contract for use by Fleet Services, estimated annual amount \$350,000. ([Council Communication No. 23-054](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0179](#) 41. [Purchase](#) from Housby Mack Inc. (Kelly Housby, CEO) for six (6) heavy truck chassis with one (1) chassis upfitted with a forestry aerial lift, \$1,080,621; from McNeilus Truck and Manufacturing (Brad Nelson, President) two (2) chassis upfitted with manual automated side loading solid waste collection bodies and two (2) chassis upfitted with front loading refuse bodies, \$742,652; and from Henderson Products Inc. (John Sievert, President) one (1) chassis upfitted with a dump body and snow plow equipment, \$144,778 per Sourcewell contracts for use by the Public Works Department, total cost \$1,968,051. ([Council Communication No. 23-052](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-0180](#) 42. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of February 6 and February 13, 2023; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of February 6 and February 13, 2023; to draw checks for biweekly payroll due February 10, 2023. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 43 THRU 45)

- [23-0181](#) 43. [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 Boesen to adopt. Second by Gatto. Motion Carried 7-0.**
- [23-0182](#) 44. [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. ([Council Communication No. 23-051](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Nays: Sheumaker.**

[23-0183](#) 45. On Fleur Drive Reconstruction, Phase 3 from Watrous Avenue to McKinley Avenue: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as InRoads, LLC. (Joseph J. Manatt, CEO), \$7,322,217.50. ([Council Communication No. 23-048](#)) **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**

[23-0184](#) (A) Approval of contract and bond and permission to sublet. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**

END HEARINGS AT 5:17 PM

ORDINANCES – SECOND CONSIDERATION

[23-0185](#) 46. 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 that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 7-0.**

[23-0186](#) (A) Final consideration of ordinance above (waiver requested by Dennis Flora, President Git-N-Go), requires six votes. **Moved by Westergaard 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, #16,220. Second by Boesen. Motion Carried 7-0.**

ORDINANCES – FIRST CONSIDERATION

[23-0187](#) 47. Amending Chapter 114 of the Municipal Code regarding Traffic Regulation changes as follows: ([Council Communication No. 23-050](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 7-0.**

(A) Code Correction – Update parking restriction on 16th Street and Linden Street due to prior street vacation.

(B) Code Correction – Update parking restriction on Maury Street, Shaw Street and Vale Street due to prior street vacation.

[23-0188](#) (C) Final consideration of ordinance above, 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, #16,221. Second by Boesen. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

[23-0189](#) 48. [Requests](#) to speak as follows: **Moved by Gatto to receive and file. Second by Voss. Motion Carried 7-0.**

- (A) Tanja Garrison
- (B) Adam Callanan
- (C) Kim Weeks – did not speak.
- (D) ~~Jolene Preseott~~
- (E) Joann Muldoon
- (F) Carolyn Uhlenhake Walker

[23-0190](#) MOTION TO ADJOURN. **Moved by Voss to adjourn at 5:29 PM. Second by Gatto. Motion Carried 7-0.**

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