



***** 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

May 8, 2023
5:00 PM

PROCLAMATION – 4:45 PM

AAPI Heritage Month

- [23-0625](#) 1. ROLL CALL: **Present: Cownie, Boesen, Gatto, Mandelbaum, Voss and Westergaard. Absent: Sheumaker. Council Member Westergaard participated in the meeting by phone.**
- [23-0626](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0627](#) 3. APPROVING CONSENT AGENDA * – items 3 through 36: **Moved by Gatto to adopt the balance of the Consent Agenda. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

***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

[23-0628](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

NEW APPLICATIONS

(A) CASEYS #3977	600 E 14TH ST	Class B Retail
(B) CHAIN & SPOKE	515 28TH ST #102	Special Class C
(C) DSM FOOD MART	2829 EASTON BLVD	Class B Retail
(D) VOWS DSM	111 E GRAND AVE #109	Class C Liquor

RENEWAL APPLICATIONS

(E) AMERICANA	1312 LOCUST ST #102	Class C Liquor
(F) CHICKEN SHACK	1501 E EUCLID AVE	Special Class C
(G) CVS PHARMACY #10329	2303 MERLE HAY RD	Class E Liquor
(H) FAIRFIELD INN & SUITES	207 CROCKER ST	Class C Liquor
(I) H & A MINI MART	145 UNIVERSITY AVE	Class E Liquor
(J) HOYT SHERMAN PLACE	1501 WOODLAND AVE	Class C Liquor
(K) HY VEE MARKET #5	1107 E ARMY POST RD	Class C Liquor
(L) KUM & GO #7701	319 7TH ST #101	Class E Liquor
(M) LA TAPATIA 4	1606 6TH AVE	Class B Retail
(N) LOUIES WINE DIVE	4040 UNIVERSITY AVE	Class C Liquor
(O) LUCKY HORSE	2331 UNIVERSITY AVE	Class C Liquor
(P) NOAHS ARK	2400 INGERSOLL AVE	Class C Liquor
(Q) OLYMPIC FLAME	514 E GRAND AVE	Special Class C
(R) QUIKTRIP #515	1421 INGERSOLL AVE	Class B Retail
(S) RITUAL CAFÉ	1301 LOCUST ST #D	Special Class C
(T) ROCA & SHORTYS	208 COURT AVE	Class C Liquor
(U) SOUTH SIDE FOOD MART	1101 ARMY POST RD	Class E Liquor
(V) TWISTED VINE BREWERY	112 SE 4TH ST #100	Class C Liquor
(W) WATROUS TOBACCO	4001 SW 9TH ST	Class B Retail

SPECIAL EVENT APPLICATIONS

- (X) CHRISTIANIS EVENTS 4025 TONAWANDA DR 5 days
CLASS C LIQUOR LICENSE FOR EVENTS ON MAY 18 AND 20, 2023.
- (Y) IOWA ASIAN ALLIANCE 1203 LOCUST ST (BEER TENT) 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR CELEBRASIAN ON
MAY 26 - 27, 2023.
- (Z) NACHO TEQUILAS 900 E ARMY POST RD 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR AN EVENT ON MAY
13, 2023.

- [23-0635](#) 11. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

SPECIAL ASSESSMENTS

- [23-0636](#) 12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2023-05. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

LAND/PROPERTY TRANSACTIONS

- [23-0637](#) 13. [Conditional](#) approval of final subdivision plat and acceptance of cash surety for “Bricktop 36” located in the vicinity of 1328 Thomas Beck Road. ([Council Communication No. 23-238](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0638](#) 14. [Approving](#) one tax abatement application for work completed in 2022 and 56 tax abatement applications for work completed in 2023. ([Council Communication No. 23-220](#)) **Moved by Gatto to adopt and to approve the applications for the total number of years in the applicable exemption schedule, with the schedule to commence with the taxes payable in FY2023/24. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0639](#) 15. [Authorization](#) to proceed with acquisition of the necessary property interests for the 41st Street and Beaver Avenue Intersection Improvements Project. ([Council Communication No. 23-229](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0640](#) 16. [Authorization](#) to proceed with acquisition of the necessary property interests for the University Avenue – 39th Street to 48th Street Improvements Project. ([Council Communication No. 23-230](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [23-0641](#) 17. [Recommendation](#) from Council Member Voss to appoint Brett Burk to the Des Moines Civil and Human Rights Commission, Seat 3, for a three-year term expiring March 31, 2026. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0642](#) 18. [Recommendation](#) from the Youth Advisory Board at the April 18, 2023 meeting to appoint Hadley Harvey for a term expiring July 31, 2023. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0643](#)

19. [Communication](#) from Alexandra Bomhoff advising of her resignation from the Access Advisory Board, Seat 3, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for her service. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0644](#)

20. [Communication](#) from Lori Bowman advising of her resignation from the Access Advisory Board, Seat 13, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for her service. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

COMMUNICATIONS FROM PLANNING AND ZONING

[23-0645](#)

21. [Regarding](#) request from Lisa Wertz and Kristopher Wertz (Contract buyers) for vacation of surface right-of-way of approximately 283 lineal feet of undeveloped SW 4th Street right-of-way bounded by Porter Avenue to the north and Diehl Avenue to the south, and to the west of and adjacent to the property at 315 Diehl Avenue. **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 6-1. Absent: Sheumaker.**

[23-0646](#)

22. [Recommending](#) City Council initiate a rezoning of an area that is generally located south of Maury Street, East of SE 25th Street, North of E. Railroad Avenue and Vale Street and west of adjoining SE 28th Street. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

WITHDRAWN

[23-0647](#)

23. [Regarding](#) ~~request from Greater Des Moines Habitat for Humanity (Ryan Doyle, Officer) for review and approval of a Preliminary Plat “Habitat – E 46th Development” to allow for development of fifteen (15) one household residential lots on property located at 4320 E. 46th Street.~~

SETTING DATE OF HEARINGS

[23-0648](#)

24. [On](#) City-initiated request to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park & Industrial to Low Density Residential, Parks and Open Space and Public/Semi-Public, and to rezone properties in an area generally located north of Maury Street, east of SE 25th Street, south of E. Market Street, and west of SE 30th Street, from “EX” Mixed Use District and “I1” Industrial District to “N3c” Neighborhood District, (5-22-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [23-0649](#) 25. [Approving](#) payment to Stew Hansen’s Urbandale Collision Center on behalf of Mark Jones Construction/ADT Solar for an auto damage claim. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

CITY MANAGER COMMUNICATIONS

- [23-0650](#) 26. [Submitting](#) travel and training requests for T.M. Franklin Cownie, Joe Gatto and Connie Boesen. ([Council Communication No. 23-239](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

APPROVING

- [23-0651](#) 27. [Amendment](#) to Southridge Conceptual Development Plan to identify and include two new phases of development: AHEPA’s 90-unit senior housing development on the former Montgomery Wards location and Native Business Services LLC’s purchase of the former Younkers location for a retail/warehousing facility. ([Council Communication No. 23-222](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0652](#) 28. [Authorizing](#) City Manager to negotiate and execute a grant agreement with AHEPA 192-IV Apartments, LP for an affordable senior housing facility at 1111 E. Army Post Road. ([Council Communication No. 23-221](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0653](#) 29. [Ratification](#) of National Park Service Land and Water Conservation Fund Outdoor Recreation Legacy Partnership Grant Application seeking \$5,291,000 for Birdland Park and Marina Master Plan Improvements Phase 1. ([Council Communication No. 23-235](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0654](#) 30. [Grant](#) agreement (On Common Ground: Activating Community Connections Through Parks) with Trust for Public Land (TPL) for \$23,600. ([Council Communication No. 23-234](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

31. Number not used.

- [23-0655](#) 32. [Request](#) for outdoor special event (Beaverdale Bluegrass Festival) in accordance with “Franklin Junior High School” PUD Conceptual Plan for Property at 4801 Franklin Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0656](#) 33. [Request](#) for outdoor special event (Beaverdale Farmers Market) in accordance with “Franklin Junior High School” PUD Conceptual Plan for Property at 4801 Franklin Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

34. Abatement of public nuisance as follows:

- [23-0657](#) (A) [3416](#) 4th Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0658](#) (B) [2004](#) 40th Place. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0659](#) (C) [822](#) 35th Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0660](#) 35. [Release](#) of fire escrow at 2301 Forest Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0661](#) 36. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 8 and 15, 2023; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 8 and 15, 2023; to draw checks for biweekly payroll due May 19, 2023. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

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

HEARINGS (OPEN AT 5:01 PM) (ITEMS 37 THRU 45)

[23-0662](#) 37. [On](#) vacation of alley right-of-way in the vicinity of 1601 High Street and conveyance of a Permanent Easement for Building Encroachment – Door Swing to Hoyt, LLC, \$2,045. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0663](#) (A) [First](#) consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0664](#) (B) [Final](#) consideration of ordinance above (waiver requested by Ryan Wade, Manager), 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, #[16,242](#). Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0665](#) 38. **On** vacation of a portion of Ingersoll Avenue right-of-way adjoining 1910 Ingersoll Avenue and conveyance of a Permanent Easement for Building Encroachment to Community Foundation of Greater Des Moines, \$600. **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0666](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0667](#) (B) **Final** consideration of ordinance above (waiver requested by Karla Jones, Community Foundation of Greater Des Moines), 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, #16,243. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0668](#) 39. **On** conveyance of a permanent easement for water main right-of-way in a portion of vacated SE 2nd Street right-of-way adjoining 303 Scott Avenue to City of Des Moines, Iowa, for the use and benefit of the Board of Water Works Trustees. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0669](#) 40. **On** conveyance of a permanent underground electric line easement and a temporary electric line easement in portions of Birdland Park to MidAmerican Energy Company for the Birdland Pump Station Replacement Project. **Moved by Westergaard to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0670](#) 41. **On** request from Bradley and Belinda McAninch (Owners) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification of the northwestern portion of property located in the vicinity of 4700 SE 14th Street from Low Density Residential within a Community Node to Community Mixed Use within a Community Node and to rezone the property from “MX2-V” and “MX2” Mixed Use District to “CX” Mixed Use District to allow redevelopment of the site for an Auto Body and Auto Sales business. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0671](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0672](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), 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, #16,244. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- [23-0673](#) 42. **On** 2023 HMA Resurfacing Program Contract 2: 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), \$959,757.40. ([Council Communication No. 23-224](#)) **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0674](#) (A) **Approval** of contract and bond. **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0675](#) 43. **On** Carlisle Multi-Use Trail Connection: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Howrey Construction, Inc. (Lucas Howrey, President), \$3,903,809.83. ([Council Communication No. 23-227](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0676](#) (A) **Approval** of contract and bond. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0677](#) (B) **Naming** segments of the Carlisle Trail as the Karras-Kaul Connector Trail. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0678](#) 44. **On** North Valley Drive and Grand Avenue Sidewalk and Railroad Crossing Improvements: 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), \$580,895. ([Council Communication No. 23-228](#)) **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0679](#) (A) **Approval** of contract and bond. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0680](#) 45. **On** McHenry Park and Sheridan Park Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Alpha Landscapes LLC (Riley Marvin, Owner), \$298,870. ([Council Communication No. 23-231](#)) **Moved by Westergaard to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**
- [23-0681](#) (A) **Approval** of contract and bond. **Moved by Westergaard to adopt. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

****END HEARINGS AT 5:20 PM****

INFORMAL HEARING

WITHDRAWN

[23-0682](#)

46. Consideration of a request from Invest DSM to demolish the Highland Apartments building located at 3524 6th Avenue, pursuant to Section 58-70 of the Historic Preservation Ordinance. (Council Communication No. 23-219)

ORDINANCES – FIRST CONSIDERATION

[23-0683](#)

47. Amending Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: (Council Communication No. 23-223) **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

(A) Parking Modifications and Conversion to Two-Way Traffic – Grand Avenue from 2nd Avenue to 5th Avenue and 5th Avenue from Cherry Street to Grand Avenue.

[23-0684](#)

- (B) 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, #16,245. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0685](#)

48. Amending Section 134-2.2.9 relating to the requirement for future PUD performance bonds. **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0686](#)

- (A) 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, #16,246. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0687](#)

49. [Amending](#) Municipal Code Section 118 relating to the Equivalent Residential Unit (ERU) rate to be applied to residential and nonresidential properties (Stormwater Utility rate increases). ([Council Communication No. 23-236](#)) **Moved by Boesen that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[23-0688](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Nick Schaul, Finance Director), requires six votes. **Moved by Boesen 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, #16,247. Second by Voss. Motion Carried 6-1. Absent: Sheumaker.**

[23-0689](#)

50. [Amending](#) Municipal Code Section 118 relating to the volume charge for sewer services rate to be applied to residential and nonresidential properties (Sanitary Utility rate increase). ([Council Communication No. 23-237](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

[23-0690](#)

- (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, #16,248. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

COMMUNICATIONS/REPORTS

[23-0691](#)

51. [Requests](#) to speak as follows: **Moved by Gatto to receive and file. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.**

- (A) Jeff Krugler
- (B) Bridget Botkin
- (C) Tim Waddell – Did not speak.
- (D) Tanya Keith
- (E) David Barzen – Did not speak.
- (F) Jack C. Porter – Did not speak.
- (G) Garland Armstrong

[23-0692](#)

MOTION TO ADJOURN. Moved by Gatto to adjourn at 5:34 P.M. Second by Boesen. Motion Carried 6-1. Absent: Sheumaker.

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