



***** 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

October 2, 2023
5:00 PM

PROCLAMATIONS – 4:40 PM

Energy Efficiency Day

National Coming Out Day

Fire Prevention Week

Italian American Heritage Month

[23-1283](#)

1. ROLL CALL: **Present: Cownie, Boesen, Gatto, Mandelbaum, Voss and Westergaard.**

[23-1284](#)

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1285](#)

3. APPROVING CONSENT AGENDA * – items 3 through 63: **Moved by Gatto to adopt the balance of the Consent Agenda. Second by Boesen. Motion Carried 6-0.**

***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

[23-1286](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

NEW APPLICATIONS

(A) JETHROS BBQ ALL STARS	221 PARK ST	Class C Liquor
(B) UNIVERSITY MARKET	2231 E UNIVERSITY	Class E Liquor

RENEWAL APPLICATIONS

(C) 85 BAR	432 E LOCUST ST	Class C Liquor
(D) ARAMARK @ NATIONWIDE	1100 LOCUST ST	Class C Liquor
(E) BARTENDERS HANDSHAKE	3615 INGERSOLL AVE	Class C Liquor
(F) BLAZING SADDLE	416 E 5TH ST	Class C Liquor
(G) CAPTAIN ROYS	1900 SAYLOR RD	Class C Liquor
(H) COONEYS TAVERN	3708 BEAVER AVE	Class C Liquor
(I) DOLLAR GENERAL #21054	2309 E 42ND ST	Class B Retail
(J) DRAKE DINER	1111 25TH ST	Class C Liquor
(K) EAST VILLAGE PANTRY	333 E GRAND AVE 104	Class E Liquor
(L) EL PATRON	4351 MERLE HAY RD	Class C Liquor
(M) G T RACE CAR BAR	3013 INGERSOLL AVE	Class C Liquor
(N) GOLDENLAND FOOD MARKET	2740 DOUGLAS AVE	Class B Retail
(O) GOODSONS	2815 BEAVER AVE #102	Class C Liquor
(P) HABANEROS MEXICAN	3200 FOREST AVE	Class C Liquor
(Q) LUA BREWING	1525 HIGH ST	Class C Liquor
(R) OASIS	630 SW 9TH ST	Class E Liquor
(S) OLD WEST MEXICAN	4138 FLEUR DR	Class C Liquor
(T) RENAISSANCE DES MOINES	401 LOCUST ST	Class C Liquor
(U) RIVER CENTER	320 W MLK JR PKWY	Class C Liquor
(V) STUFFED OLIVE	208 3RD ST	Class C Liquor
(W) TONIC ON COURT	210 COURT AVE	Class C Liquor
(X) WALNUT	1417 WALNUT ST #A	Class C Liquor

SPECIAL EVENT APPLICATIONS

(Y) APRES BAR CO	400 E COURT AVE 300	5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR AN EVENT ON OCTOBER 19, 2023.		

- (Z) CHRISTIANIS EVENTS 120 E 5TH ST 5 days
CLASS C LIQUOR LICENSE FOR FINI REHEARSAL DINNER ON OCTOBER 13, 2023.
- (AA) JRS SOUTHPORK RANCH 3000 E GRAND AVE 5 days
CLASS C LIQUOR LICENSE FOR FINI REHEARSAL DINNER ON OCTOBER 13, 2023.
- (BB) SODEXO LIVE! 1 LINE DR 5 days
CLASS C LIQUOR LICENSE FOR TACO AND MARGARITA FESTIVAL ON OCTOBER 7, 2023.
- (CC) TANGERINE FOOD COMPANY 100 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR CANDLELIGHT CONCERT ON OCTOBER 20, 2023.
- (DD) TOP IT OFF 120 E 5TH ST 5 days
CLASS C LIQUOR LICENSE FOR AN EVENT ON OCTOBER 11, 2023.
- (EE) WORLDWIDE FOOD TRUCK COURT AVENUE BRIDGE 5 days
CLASS C LIQUOR LICENSE FOR CENTRAL IOWA CYCLENATION ON OCTOBER 5, 2023.
- (FF) YOUR PRIVATE BAR 313 WALNUT ST 5 days
CLASS C LIQUOR LICENSE FOR CENTRAL IOWA CYCLENATION ON OCTOBER 5, 2023.

OUTDOOR SERVICE

- (GG) XBK 1159 24TH ST #A Class C Liquor
PERMANENT.

TRANSFER TO NEW LOCATION

- (HH) OAK PARK RESTAURANT 3901 INGERSOLL AVE
PERMANENT FROM 1011 LOCUST STREET. Class C Liquor

[23-1287](#) 4-I [Approving](#) 12-month Class C Liquor License for RRACKSS Fine Dining and Bistro at 401 E. Court Avenue, #300. Pending Building and Zoning Departments approval. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1288](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 5-1. Nays: Cownie.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- [23-1289](#) (A) [4th](#) & Grand Parking Garage Electrical Improvements: Receiving of bids, (10-24-23) and Setting date of hearing, (11-20-23), Engineer's estimate, \$580,000. ([Council Communication No. 23-437](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1290](#) (B) [16th](#) Street Area Reconstruction and Trail Connection: Receiving of bids, (10-24-23) and Setting date of hearing, (11-20-23), Engineer's estimate, \$3,300,000. ([Council Communication No. 23-439](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1291](#) 7. [Authorizing](#) issuance of a Notice of Intent to Enter into a Guaranteed Maximum Price (GMP) Contract pursuant to Iowa Code Chapter 26A for the City Facility Expansion Phase 1 Improvements and authorization for staff to proceed pursuant to Iowa Code Chapter 26A. ([Council Communication No. 23-435](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1292](#) 8. [Ratification](#) of Iowa Department of Transportation (IDOT) Federal Recreational Trails (FRT) grant application requesting \$500,000 for the Central Place Levee Phase 1 Multi Use Recreational Trail project. ([Council Communication No. 23-449](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1293](#) 9. [Approving](#) Professional Services Agreement with SystemWorks LLC for commissioning services for the North Side Community Recreation Center (CRC) project, not to exceed \$141,375. ([Council Communication No. 23-434](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1294](#) 10. [Approving](#) Professional Services Agreement with Shive-Hattery, Inc. for the Central Place Levee Trail Phase 2, not to exceed \$439,400. ([Council Communication No. 23-431](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1295](#) 11. [Approving](#) Professional Services Agreement with RDG Planning & Design for the Skywalk Wayfinding Improvements, not to exceed \$146,100. ([Council Communication No. 23-438](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1296](#) 12. [Approving](#) Change Order No. 1 with InRoads, LLC for additional work on 2023-2024 HMA Pavement Scarification and Resurfacing, \$211,500. ([Council Communication No. 23-433](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

13. Approving completion and acceptance of Private Construction Contracts between the following:

[23-1297](#) (A) Paving Improvements in Grover Woods Plat 3 between Sternquist Construction, Inc. and Hubbell Realty Company. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1298](#) (B) Sanitary Sewer Improvements in Grover Woods Plat 3 between McAninch Corporation and HRC Grover Woods, LLC. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1299](#) (C) Storm Sewer Improvements in Grover Woods Plat 3 between McAninch Corporation and HRC Grover Woods, LLC. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1300](#) (D) Sanitary Sewer Improvements in 217 E. 2nd Street between Elder Corporation and 217 E Second, LC. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 5-0. Council Member Gatto declares a conflict of interest and abstains from voting.**

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

[23-1301](#) (A) SW 63rd Street Resurfacing from Willow Creek Drive to Dead End north, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1302](#) (B) Brook Run Park Improvements, Caliber Concrete, LLC. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1303](#) (C) Neal Smith Trail Rehabilitation – Euclid Avenue to Saylor Creek Bridge, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1304](#) (D) 2022 PCC Pavement Patching Program, TK Concrete, Inc. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1305](#) 15. Communication from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

SPECIAL ASSESSMENTS

[23-1306](#) 16. Levy assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2023-09. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [23-1307](#) 17. [Recommendation](#) from Council Member Boesen to appoint Sylvia Nemmers to the Access Advisory Board, Seat 2, for a four-year term expiring June 15, 2026. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1308](#) 18. [Recommendation](#) from Council Member Westergaard to appoint Jack Daugherty to the Parks and Recreation Board, Seat 9, for a four-year term expiring June 30, 2026. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1309](#) 19. [Recommendation](#) from Council Member Mandelbaum to appoint Erin Bowers to the Building and Fire Code Board of Appeals, Seat 6, for a three-year term expiring April 1, 2024. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1310](#) 20. [Recommendation](#) from Mayor T.M. Franklin Cownie to reappoint Cynde Fanter to the Parks and Recreation Board, Seat 1, for a four-year term expiring June 30, 2024. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1311](#) 21. [Recommendation](#) from Council Member Gatto to reappoint Laura Gibson to the Access Advisory Board, Seat 7, for a four-year term expiring June 15, 2026. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1312](#) 22. [Communication](#) from Giada Morresi advising of her resignation from the Transportation Safety Committee, Seat 4, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for her service. Second by Boesen. Motion Carried 6-0.**
- [23-1313](#) 23. [Communication](#) from Candy Morgan advising of her resignation from the Building and Fire Code Board of Appeals, Seat 13, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for her service. Second by Boesen. Motion Carried 6-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [23-1314](#) 24. [Regarding](#) request from 106 SW 7th Street, LLC (Tim Rypma, Officer) for vacation of approximately 144 square feet of air right-of-way and approximately 40 square feet of surface right-of-way adjoining property at 106 SW 7th Street. **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 6-0.**
- [23-1315](#) 25. [Regarding](#) request from Thikra Madhawi (Owner) for vacation of approximately 160 lineal feet of the remaining undeveloped north/south alley right-of-way located in the vicinity of 1013 Scott Avenue in the block bounded by Shaw Street to the south, SE 11th Street to the east, Maury Street to the north, and SE 10th Street to the west. **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 6-0.**

- [23-1316](#) 26. **Regarding** request from MMR Enterprises, LLC (Mark Davis, Officer) for vacation of an “L”-shaped alley right-of-way located in the vicinity of 2400 Courtland Drive, where the right-of-way is bounded by Kirkwood Avenue to the north and Courtland Drive to the east. **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 6-0.**

SETTING DATE OF HEARINGS

- [23-1317](#) 27. **On** vacation of air and subsurface rights within 13th Street, Falcon Drive, Mulberry Street, and north/south alley right-of-way adjoining 1301 Mulberry Street, and conveyance of a Permanent Easement for Air Space Above City-owned property and a Permanent Easement for Subsurface Building Encroachment on City-owned property to 13th and Mulberry, LLC, \$24,100, (10-23-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

- [23-1318](#) 28. **On** vacation of a portion of Hart Avenue right-of-way in the vicinity of 1540 Hart Avenue and conveyance to Bounthieng J. Egkhounmuong and Manichanh Egkhounmuong, \$800, (10-23-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

- [23-1319](#) 29. **On** conveyance of City-owned property at 3116 Lincoln Avenue to Home Opportunities Made Easy (HOME), Inc. for redevelopment of housing, (10-23-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

- [23-1320](#) 30. **On** request from Olen Homme (Owner) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Low-Medium Density Residential and to rezone 972 26th Street from “N5” Neighborhood District to Limited “N5-2” Neighborhood District to allow reuse of the existing structure for a two-household (duplex) residential use, (10-23-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

- [23-1321](#) 31. **On** request from Lutheran Services of Iowa, Inc. (Dan Dean, Officer) to amend PlanDSM Creating Our Tomorrow Plan from Low Density Residential to Neighborhood Mixed Use and to rezone 3125 Cottage Grove Avenue from “N5” Neighborhood District to “RX1” Mixed Use District to allow expansion of an existing parking lot, (10-23-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

- [23-1322](#) 32. **On** request from Brew Oil, LLC (Rupinder Kaur, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from Neighborhood Mixed Use to Community Mixed Use and to rezone 4140 Park Avenue from “RX1” Mixed Use District to “MX3” Mixed Use District to allow the redevelopment of an existing building as a convenience store with liquor sales, (10-23-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

- [23-1323](#) 33. **On** request from Gerardo Perez (Owner) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from Low Density Residential to Neighborhood Mixed Use and to rezone 415 E. Euclid Avenue from “N5” Neighborhood District to “RX1” Mixed Use District, to bring the existing retail use into conformance with zoning requirement to allow use of the parking lot for a food truck (mobile vendor), (10-23-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1324](#) 34. **On** request from Riren, LLC (Michael Graham, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use designation from Business Park to Community Mixed Use and to rezone 1500 E. Army Post Road from “EX” Mixed Use District to “CX” Mixed Use District to allow redevelopment of an existing building and the construction of a future building as an autobody shop, (10-23-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1325](#) 35. **On** request from Walnut Creek Trails, LLC (Scott Selix, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Parks and Open Space within a Development Control Zone to Community Mixed Use within a Development Control Zone and to rezone 6222 Grand Avenue from “RX1” Mixed Use District and “F” Flood District to Limited “MX2” Mixed Use District to allow the use of the property as a restaurant with a brewery component, (10-23-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1326](#) 36. **On** request from 1525 High Street, LLC (Edward Massman, Officer) to rezone 1525 High Street from “RX1” Mixed Use District to “MX2” Mixed Use District to allow expansion of an existing brewery and restaurant, (10-23-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1327](#) 37. **On** request from CS Family Properties, LLC (Cory Steiner, Officer) to rezone 3001 SW 9th Street from “RX1” Mixed Use District to Limited “MX3” Mixed Use District to allow use of the existing building for a vehicle detailing shop, (10-23-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1328](#) 38. **On** request from Electro Management Corp (Britt Baker, Officer) for review and approval of a 2nd Amendment to the City Gateway PUD Conceptual Plan, on two parcels located in the vicinity of 4240 Army Post Road to allow construction of new warehouse spaces and two parking lots, (10-23-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1329](#) 39. **On** assessment of \$500 penalty to alcoholic beverage license/permit holder for violation of Iowa alcoholic beverage laws, (10-23-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1330](#) 40. **On** proposed 2024 Action Plan for the U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (11-6-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

- [23-1331](#) 41. [On](#) proposed Third amendment to the Urban Renewal Plan for the Oak Park-Highland Park Urban Renewal Area, (11-6-23). ([Council Communication No. 23-446](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1332](#) 42. [On](#) proposed Thirty-Third amendment to the Urban Renewal Plan for the Metro Center Urban Renewal Area, (11-6-23). ([Council Communication No. 23-428](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1333](#) 43. [On](#) lease agreement in the principal amount not-to-exceed \$225,000 for acquiring certain items of equipment consisting of three (3) motor graders and one wheel loader with snowplow, (10-23-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [23-1334](#) 44. [Approving](#) payment to Willis Automotive on behalf of Patrick and Nora Sweeney for a property claim. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1335](#) 45. [Approving](#) payment to Alex Dales and Auto Owners Insurance for a property damage claim. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1336](#) 46. [Approving](#) Waiver and Consent to Conflict of Interest in representation by Ahlers & Cooney, PC of the Des Moines Airport Authority in negotiating a 28E Agreement related to parking citation enforcement. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1337](#) 47. [Approving](#) Waiver and Consent to Conflict of Interest in representation by Ahlers & Cooney, PC of the Des Moines Airport Authority in negotiating an agreement for the City to provide services to the Authority. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

APPROVING

- [23-1338](#) 48. [Commitment](#) of \$500,000 in Community Development Block Grant (CDBG) funds for rehabilitation of the Klein Building at 3614 6th Avenue, resulting in upper-story affordable rental units. ([Council Communication No. 23-443](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1339](#) 49. [Preliminary](#) commitment of \$300,000 in Community Development Block Grant (CDBG) funds for rehabilitation of the North Des Moines Townhall at 1601 6th Avenue, resulting in upper-story affordable rental units. ([Council Communication No. 23-444](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

- [23-1340](#) 50. [First](#) Amendment and Restated Urban Renewal Development Agreement with North Des Moines Town Hall, LP (Chaden Halfhill and Kuuku Saah, Members) for renovation of existing building at 1601 6th Avenue. ([Council Communication No. 23-445](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1341](#) 51. [Second](#) Amendment to the Amended and Restated Urban Renewal Development Agreement with The District Developer, LLC to develop the master planned mixed-use redevelopment of 10 blocks of private and City-owned property located in the vicinity of E. 4th and E. Market Streets. ([Council Communication No. 23-429](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1342](#) 52. [Memorandum](#) of Understanding with Polk County and Downtown Des Moines Self-Supported Municipal Improvement District (“Operation Downtown”) for sharing the cost of security expenses. ([Council Communication No. 23-441](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1343](#) 53. [Agreement](#) with Iowa Homeland Security and Emergency Management Department (HSEMD) for award of 2023 Cybersecurity Risk Reduction Grant and Memorandum of Agreement with HSEMD for HSEMD to retain such grant for funding for use by the Iowa Office of the Chief Information Officer (OCIO) ([Council Communication No. 23-426](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1344](#) 54. [Agreement](#) with the U.S. Geological Survey for the operation and maintenance of five (5) stream gaging stations. ([Council Communication No. 23-448](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1345](#) 55. [Receipt](#) of communication from the Greater Des Moines Public Art Foundation regarding proposed mural concepts for the walls under the 9th Street Viaduct in downtown Des Moines. **Moved by Gatto to receive and file. Second by Boesen. Motion Carried 6-0.**
- [23-1346](#) 56. [Donation](#) and Naming Agreement with Polk County Conservation Board (PCCB) for Easter Lake Park – Athene North Shore Recreation Area project. ([Council Communication No. 23-447](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
57. Communication of fire escrow for the following:
- [23-1347](#) (A) [601](#) Cummins Road. **Moved by Gatto to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of certified mail notice dated July 19, 2023, if owner(s) has not demolished or renovated the structure. Second by Boesen. Motion Carried 6-0.**
- [23-1348](#) (B) [1540](#) 32nd Street. **Moved by Gatto to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of certified mail notice dated August 23, 2023, if owner(s) has not demolished or renovated the structure. Second by Boesen. Motion Carried 6-0.**

58. Release of fire escrow at the following locations:

- [23-1349](#) (A) [1804](#) Arlington Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1350](#) (B) [201](#) Grand Avenue #103. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

59. Abatement of public nuisances as follows:

- [23-1351](#) (A) [1000](#) E. Army Post Road. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1352](#) (B) [2026](#) SE 6th Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1353](#) (C) [4201](#) Hickman Road. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1354](#) (D) [5804](#) Harwood Drive. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1355](#) (E) [3848](#) E. 14th Street #55. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1356](#) (F) [2900](#) 1st Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1357](#) (G) [333](#) E, Park Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1358](#) (H) [3010](#) Oxford Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1359](#) (I) [712](#) Marion Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1360](#) (J) [7085](#) Bloomfield Road #12. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1361](#) 60. [Agreement](#) with Right Roofing & Siding, Inc. (Ryan Johnson, President) for full replacement of EPDM membrane roofing system in selected roof areas of Principal Park for use by the Engineering Department and Facilities Division, \$91,384.05. ([Council Communication No. 23-427](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1362](#) 61. [Exception](#) to competitive procurement process for good cause and approving Master Services Agreement with BlueAlly Technology Solutions, LLC (George Barkley, President) to provide professional services and software for data center colocation migration and project management in Phase 1 for use by the Information Technology Department, not to exceed \$548,450.56. ([Council Communication No. 23-440](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

62. Number not used.

[23-1363](#)

- 63. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of October 2, 9 and 16, 2023; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of October 2, 9 and 16, 2023; to draw checks for biweekly payroll due October 6 and 20, 2023. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 64 THRU 71)

[23-1364](#)

- 64. [On](#) vacation of a portion of E. 16th Street right-of-way and conveyance of a Permanent Easement for Building Encroachment to George M. Clayton, \$550. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

[23-1365](#)

- (A) [First](#) consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 6-0.**

[23-1366](#)

- (B) 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, #16,280. Second by Voss. Motion Carried 6-0.**

[23-1367](#)

- 65. [On](#) conveyance of a Permanent Easement for Ingress and Egress in a portion of vacated 41st Street right-of-way located east of and adjoining 545 42nd Street to Plymouth Congregational Church of the United Church of Christ. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1368](#)

- 66. [On](#) conveyance of excess City property located south of and adjoining 2720 Garden Road to Hurd Garden, LLC, \$23,300. **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 6-0.**

[23-1369](#)

- 67. [On](#) conveyance of 4130 Columbia Street to R.M. Madden Construction Inc. for rehabilitation of housing. ([Council Communication No. 23-442](#)) **Moved by Westergaard to adopt. Second by Voss. Motion Carried 6-0.**

[23-1370](#)

- 68. [On](#) a License Agreement with Brittany-Ann Lynn Barajas-Lakose for use of a portion of undeveloped Arthur Avenue right-of-way located south of and adjoining 2503 E. 24th Street. **Moved by Westergaard to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1371](#)

- 69. [On](#) a License Agreement with 113 SW 8th Street, LLC for use of a portion of Vine Street right-of-way located between SW 7th Street and SW 8th Street. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1372](#)

70. **On** request from WH II, LTD (Cynthia Steidl-Bishop, Officer) to amend PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Medium Density Residential and to rezone 5631 Francis Avenue from “N3b” Neighborhood District to Limited “NX2” Neighborhood Mix District to allow for the expansion of a parking lot for an existing Group Living - Assisted Living Facility use. **Moved by Boesen to adopt. Second by Mandelbaum. Motion Carried 6-0.**

[23-1373](#)

- (A) **First** consideration of ordinance above. **Moved by Boesen that this ordinance be considered and given first vote for passage. Second by Mandelbaum. Motion Carried 6-0.**

[23-1374](#)

- (B) **Final** consideration of ordinance above (waiver requested by Cynthia Steidl Bishop), 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, #16,281. Second by Mandelbaum. Motion Carried 6-0.**

[23-1375](#)

71. **On** the intent to commence a public improvement project to construct the East Army Post Road Trunk Sewer Project and to authorize acquisition of the necessary property interests, including agricultural land, for the project. ([Council Communication No. 23-436](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

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

APPROVING II

[23-1376](#)

72. **Request** from Wade Investments, LLC for a Certificate of Appropriateness to allow construction of a new mixed-use building on the west portion of the property occupied by Norden Hall Local Landmark at 425 E. Grand Avenue. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-0.**

[23-1377](#)

73. **Request** from Diocese of Des Moines for a Certificate of Appropriateness to allow installation of rooftop mechanical equipment with no mechanical screening on the American Federal Building Local Landmark at 601 Grand Avenue. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-0.**

74. On requests from Riva Walters (owner), represented by Jennifer De Kock (legal counsel), for the following: ([Council Communication No. 23-430](#))

[23-1378](#)

- (A) [Consideration](#) of an extension of time in which to file an appeal of a conditional approval of a Certificate of Appropriateness on property located at 685 20th Street. **Moved by Mandelbaum to receive and file the staff report and comments received and to adopt alternative A, (A) The City Council hereby extends the appeal deadline for a period of ten additional business days and the submission of the written appeal is deemed timely. Second by Gatto. Motion Carried 6-0.**

[23-1379](#)

- (B) [Setting](#) date of hearing on an appeal of a conditional approval of a Certificate of Appropriateness on property located at 685 20th Street for the construction of a fence in the front yard, (10-23-23). **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-0.**

ORDINANCES – FIRST CONSIDERATION

[23-1380](#)

75. [Amending](#) Sections 2-62, relating to the salary of the mayor and councilmembers, amending Section 2-112, relating to council attendance, by adding Section 2-113, relating to the determination of sanction and renumbering Section 2-112 to Sec. 2-114. **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 6-0.**

[23-1381](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by City Attorney), 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, #16,282. Second by Boesen. Motion Carried 6-0.**

[23-1382](#)

76. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: ([Council Communication No. 23-432](#)) **Moved by Boesen that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 6-0.**

- (A) Corner Clearance Parking Restrictions
1. E. 37th Street and Indianapolis Avenue
 2. 40th Place and Crocker Street
 3. E. 42nd Street and Wilson Avenue
 4. 61st Street and Walnut Hill Drive
 5. Clark Street and 31st Street
 6. Nash Drive and Stephenson Way

[23-1383](#)

- (B) Final consideration of ordinance above, 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, #[16,283](#). Second by Voss. Motion Carried 6-0.**

REQUEST TO SPEAK

[23-1384](#)

77. [Requests](#) to speak as follows: **Moved by Gatto to receive and file. Second by Boesen. Motion Carried 6-0.**

- (A) Lori Ann Young
- (B) Adam Callanan
- (C) Carrie Gosnell
- (D) Dartanyan Brown
- (E) Jolene Prescott

[23-1385](#)

MOTION TO ADJOURN. Moved by Gatto to adjourn at 5:36PM. Second by Boesen. Motion Carried 6-0.

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