



***** 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

December 4, 2023
5:00 PM

- [23-1671](#) 1. ROLL CALL: **Present: Cownie, Boesen, Gatto, Mandelbaum, Coleman, Voss and Westergaard. Mayor Cownie participated in the meeting by phone.**
- [23-1672](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-1673](#) 3. APPROVING CONSENT AGENDA * – items 3 through 26: **Moved by Gatto to adopt the balance of the Consent Agenda. Second by Voss. 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

23-1674

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

NEW APPLICATIONS

- | | | |
|-------------------|---------------------|----------------|
| (A) BASIC BIRD | 2607 BEAVER AVE | Class C Liquor |
| (B) MOXIE KITCHEN | 4119 UNIVERSITY AVE | Class C Liquor |

RENEWAL APPLICATIONS

- | | | |
|---------------------------|---------------------|----------------|
| (C) BUFFALO WILD WINGS | 3311 SE 14TH ST | Class C Liquor |
| (D) EUROPA GROCERIES | 3839 MERLE HAY RD | Class B Retail |
| (E) FONGS PIZZA | 223 4TH ST | Class C Liquor |
| (F) GARDEN NIGHTCLUB | 525 E GRAND AVE | Class C Liquor |
| (G) HY-VEE FOOD STORE #2 | 2540 E EUCLID AVE | Class E Liquor |
| (H) PEGGYS TAVERN | 3020 FOREST AVE | Class C Liquor |
| (I) QUIK TRIP #523R | 849 ARMY POST RD | Class B Retail |
| (J) QUIKTRIP #535 | 1501 E GRAND AVE | Class B Retail |
| (K) SENOR TEQUILA | 3411 SE 14TH ST | Class C Liquor |
| (L) SMOKE SHOP | 1918 SE 14TH ST | Class E Liquor |
| (M) SOUTH SIDE SMOKE/VAPE | 3324 INDIANOLA AVE | Class B Retail |
| (N) SUDSUCKERS | 1511 E ARMY POST RD | Class C Liquor |
| (O) SUPER QUICK 2 | 1824 HUBBELL AVE | Class E Liquor |
| (P) TASTE! TO GO | 322 E COURT AVE | Class C Liquor |
| (Q) TRIANGLE TAP | 2506 POST ST | Class C Liquor |
| (R) WESLEY ACRES | 3520 GRAND AVE | Class F Retail |

SPECIAL EVENT APPLICATIONS

- | | | | |
|----------------------------|---------------|--------|---|
| (S) APRES BAR CO | 304 15TH ST | 5 days | CLASS C LIQUOR LICENSE FOR AN EVENT ON DECEMBER 9, 2023. |
| (T) TANGERINE FOOD COMPANY | 100 LOCUST ST | 5 days | CLASS C LIQUOR LICENSE FOR CANDLELIGHT CONCERT ON DECEMBER 9, 2023. |
| (U) TANGERINE FOOD COMPANY | 100 LOCUST ST | 5 days | CLASS C LIQUOR LICENSE FOR CANDLELIGHT CONCERT ON DECEMBER 20, 2023. |
| (V) TANGERINE FOOD COMPANY | 100 LOCUST ST | 5 days | CLASS C LIQUOR LICENSE FOR CANDLELIGHT CONCERT ON DECEMBER 15 - 16, 2023. |

(W) TOP IT OFF LIQUID CATERING 1011 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR FLYNN WRIGHT HOLIDAY PARTY ON
DECEMBER 16, 2023.

- [23-1675](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Nays: Cownie.**
- [23-1676](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
- [23-1677](#) (A) [Intelligent](#) Transportation Systems Upgrade – Phase 4: Receiving of bids, (12-19-23) and Setting date of hearing, (1-8-24), Engineer’s estimate, \$1,224,000. ([Council Communication No. 23-529](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-1678](#) (B) [Walnut](#) Street Bridge Replacement over the Des Moines River: Receiving of bids, (12-19-23) and Setting date of hearing, (1-8-24), Engineer’s estimate, \$19,846,988.10. ([Council Communication No. 23-532](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Nays: Mandelbaum.**
- [23-1679](#) (C) [University](#) Avenue – 39th Street to 48th Street Improvements: Receiving of bids, (1-9-24) and Setting date of hearing, (2-5-24), Engineer’s estimate, \$4,175,000. ([Council Communication No. 23-530](#)) **Moved by Coleman to adopt and refer to the City Manager to make sure that the stormwater and reconstruction projects can be done in unison before the February 5, 2024 hearing date or delay the project. Second by Gatto. Motion Carried 7-0.**
- [23-1680](#) (D) [2024](#) Neighborhood Sidewalk Program Contract 1: Receiving of bids, (1-9-24) and Setting date of hearing, (2-5-24), Engineer’s estimate, \$2,100,000. ([Council Communication No. 23-528](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-1681](#) (E) [Stone](#) Park Improvements: Receiving of bids, (1-9-24) and Setting date of hearing, (1-22-24), Engineer’s estimate, \$2,425,000. ([Council Communication No. 23-531](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-1682](#) 8. [Accepting](#) completed construction and approving final payment for 2022 City-wide Traffic Calming Improvements, Minturn, Inc. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [23-1683](#) 9. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2023-10. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [23-1684](#) 10. [On](#) conveyance of vacated north/south alley right-of-way located east of and adjoining 1261 Dixon Street to Cortez R. Nichols and Denise C. Nichols, \$25, (12-18-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [23-1685](#) 11. [On](#) a request from Thirteen Fifty, LLC (Jake Sparks, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low-Medium Density Residential to Neighborhood Mixed Use and to rezone 1350 E. Washington Avenue from “NX2” Neighborhood Mix District to “MX1” Mixed Use District, to allow renovation and reuse of the existing building for a mix of uses, such as office space, a studio, a café, and an urban garden, (12-18-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [23-1686](#) 12. [On](#) a request from WC MRP Des Moines Center, LLC (Michaela Scott, Officer) for review and approval of a 2nd amendment to the Southdale PUD Conceptual Plan located at 4900 SE 14th Street, to allow the expansion of a retail use to include multiple outdoor storage and display areas, (12-18-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [23-1687](#) 13. [On](#) appeal of Bradley and Belinda McAninch (owner) on a denial of Type 2 Design Alternatives for a site plan on property located at 4700 SE 14th Street to allow waiver of Priority 1 Sidewalk installation along E. Herold Avenue and waiver of a building transparency requirement on the primary façade, (12-18-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [23-1688](#) 14. [Approving](#) settlement and payment to Essence Welch. **Moved by Mandelbaum to adopt and direct the City Manager to report back to Council on the status of the recommendations in the 21CP report. Second by Westergaard. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [23-1689](#) 15. [Submitting](#) travel and training request for Connie Boesen. ([Council Communication No. 23-547](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

APPROVING

- [23-1690](#) 16. [28E](#) Agreement between the City of West Des Moines, Polk County, Des Moines Municipal Housing Agency (DMMHA), and City of Des Moines for the Analysis of Impediments (AI) to Fair Housing. ([Council Communication No. 23-536](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-1691](#) 17. [Final](#) terms of an Urban Renewal Development Agreement with Center at Sixth for the construction of a mixed-use project located at 1760 6th Avenue, Minimum Assessment Agreement and Conceptual Development Plan. ([Council Communication No. 23-545](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-1692](#) 18. [Fourth](#) Amendment to the Urban Renewal Agreement with Nelson Development 1, LLC, to purchase and develop City-owned property at 418 E. Grand Avenue in the Metro Center Urban Renewal Area. ([Council Communication No. 23-548](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Nays: Mandelbaum.**
- [23-1693](#) 19. [Acceptance](#) of the 2024 Violence Against Women grant award from the Iowa Department of Justice, Office of the Attorney General, Crime Victim Assistance Division, \$21,446. ([Council Communication No. 23-541](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-1694](#) 20. [Operation](#) and maintenance agreement with Des Moines Metro Disc Golf Club (DMMDGC) for Des Moines Disc Golf Courses. ([Council Communication No. 23-540](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-1695](#) 21. [Amendments](#) to Schedule of Fees for fees collected by the City's Development Services Department. ([Council Communication No. 23-544](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-1696](#) 22. [City](#) Street Financial Report to Iowa Department of Transportation (IDOT) for fiscal year 2023. ([Council Communication No. 23-539](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [23-1697](#) 23. [Exception](#) to Request for Proposals Process for good cause shown and approving Administrative Services Agreement and authorizing the City Manager to enter into and execute such agreement with Nationwide Retirement Solutions as the City's exclusive deferred compensation provider through December 31, 2033. ([Council Communication No. 23-535](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[23-1698](#)

24. [Purchase](#) from MacQueen Equipment (Dan Gage, President/CEO) of two (2) replacement street sweepers per Sourcewell Contract for use by the Public Works Department, \$609,912.45. ([Council Communication No. 23-534](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

25. Abatement of public nuisances as follows:

[23-1699](#)

(A) [4105](#) 15th Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[23-1700](#)

(B) [1413](#) E. 16th Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[23-1701](#)

26. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of December 4 and 11, 2023; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of December 4 and 11, 2023; to draw checks for biweekly payroll due December 15, 2023. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 27 THRU 33)

[23-1702](#)

27. [On](#) vacation of alley right-of-way extending 211 feet north from Clark Street between Martin Luther King, Jr. Parkway and 19th Street for the Fire Station 4 Relocation Project. **Moved by Coleman to adopt. Second by Gatto. Motion Carried 7-0.**

[23-1703](#)

(A) [First](#) consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 7-0.**

[23-1704](#)

(B) Final consideration of ordinance above, requires six votes. **Moved by Coleman 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, #[16,305](#). Second by Gatto. Motion Carried 7-0.**

[23-1705](#)

28. [On](#) vacation of the south 100 feet of the north-south alley right-of-way located east of and adjoining 601 24th Street and conveyance to Rally Cap Properties, LLC, \$100. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**

[23-1706](#)

(A) [First](#) consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 7-0.**

[23-1707](#)

(B) [Final](#) consideration of ordinance above (waiver requested by Ryan Francois, Manager, Rally Cap Properties, LLC), 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, #[16,306](#). Second by Gatto. Motion Carried 7-0.**

- [23-1708](#) 29. **On** vacation of a portion of E. 22nd Street right-of-way located west of and adjoining 2200 Elizabeth Avenue and conveyance to Larry D. Henson and Rita Henson, \$100. **Moved by Westergaard to adopt. Second by Gatto. Motion Carried 7-0.**
- [23-1709](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 7-0.**
- [23-1710](#) (B) Final consideration of ordinance above, 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, #16,307. Second by Gatto. Motion Carried 7-0.**
- [23-1711](#) 30. **On** vacation of air and surface rights within portions of SW 7th Street right-of-way adjoining 106 SW 7th Street and conveyance of a Permanent Easement for Air Space Above City-owned Property and a Permanent Easement for Building Encroachment-Door Swing to 106 SW 7th Street, LLC, \$370. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**
- [23-1712](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 7-0.**
- [23-1713](#) (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, #16,308. Second by Gatto. Motion Carried 7-0.**
- [23-1714](#) 31. **On** a request from Professor Holdings, LLC (Hua Sun, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low Density Residential within a Neighborhood Node to Medium Density Residential within a Neighborhood Node, and to rezone 1315 York Street from “N3c” Residential District to “N3c-4” Residential District, to allow expansion of the existing off-street parking area. **Moved by Westergaard to adopt. Second by Gatto. Motion Carried 7-0.**
- [23-1715](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 7-0.**

- [23-1716](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), 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, #16,309. Second by Gatto. Motion Carried 7-0.**
- [23-1717](#) 32. **On** the proposed Third Amendment to the Urban Renewal Plan for the Oak Park-Highland Park Urban Renewal Area. ([Council Communication No. 23-543](#)) **Moved by Westergaard to adopt. Second by Voss. Motion Carried 7-0.**
- [23-1718](#) (A) **First** consideration of ordinance above repealing Ordinance 16,000 which established “Oak Park-Highland Park TIF District No. 3”. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 7-0.**
- [23-1719](#) (B) **Final** consideration of ordinance above (waiver requested by Cody Christensen, Development Services Director), 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, #16,310. Second by Voss. Motion Carried 7-0.**
- [23-1720](#) 33. **On** 2nd Avenue Reconstruction from University to the Des Moines River: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Synergy Contracting, LLC (Jesse Rognes, President), \$17,148,218.80. ([Council Communication No. 23-527](#)) **Moved by Coleman to continue to the December 18, 2023 Council meeting. Second by Gatto. Motion Carried 7-0.**
- [23-1721](#) (A) **Approval** of contract and bond. **Moved by Coleman to continue to the December 18, 2023 Council meeting. Second by Gatto. Motion Carried 7-0.**

*****END HEARINGS AT 5:21 PM*****

APPROVING II

- [23-1722](#) 34. **Receive** and file the Public Works Stormwater Infrastructure Advisory Committee 2022 Annual Report. ([Council Communication No. 23-542](#)) **Moved by Gatto to receive and file. Second by Voss. Motion Carried 7-0.**

[23-1723](#)

35. [Approval](#) and adoption of the City of Des Moines Climate Action and Adaptation Plan (CAAP), ADAPT DSM. ([Council Communication No. 23-546](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

ORDINANCES FIRST CONSIDERATION

[23-1724](#)

36. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: ([Council Communication No. 23-533](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Westergaard. Motion Carried 7-0.**

- (A) Speed Limit Modification – E. Broadway Avenue from the west city limits to Hubbell Avenue.
- (B) Corner Clearance – E. 12th Street between Hull Avenue and Ovid Avenue and Tiffin Avenue between E. 9th Street and E. 13th Street.
- (C) Code Correction – E. 35th Street between Hull Avenue and E. Euclid Avenue.
- (D) Code Correction – E. 22nd Street between Hubbell Avenue and Elizabeth Avenue.
- (E) 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, #[16,311](#). Second by Westergaard. Motion Carried 7-0.**

[23-1725](#)

COMMUNICATIONS/REPORTS

[23-1726](#)

37. [Requests](#) to speak as follows: **Motion by Gatto to receive and file document from Harvey Harrison. Second by Voss. Moved by Gatto to receive and file. Second by Voss. Motion Carried 7-0.**

- (A) Hannah Hayes
- (B) Julie Burtnette
- (C) Adam Callanan
- (D) Luke Bascom
- (E) Denver Foote
- (F) Jacob Grobe
- (G) Tasida Barfoot
- (H) Marshall James
- (I) Samuel Hutchisson
- (J) Lu Hallmeyer
- (K) Chris Biagini
- (L) Ethan Lyon-Swackhammer – did not speak
- (M) Jon Knapp McAlister
- (N) Desirea Sol0 – did not speak
- (O) Luis Gomez

- (P) Josie Mulvihill – did not speak
- (Q) Samuel Harrington – did not speak
- (R) Harvey Harrison *
- (S) Carolyn Uhlenhake Walker
- (T) Michaelyn Mankel

[23-1727](#) MOTION TO ADJOURN. Moved by Gatto to adjourn at 6:40 PM. Second by Westergaard. Motion Carried 7-0.

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