

*** 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 '24-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

City Hall, City Council Chambers
400 Robert D. Ray Drive
Des Moines, Iowa 50309

January 22, 2024 5:00 PM

PROCLAMATION – 4:50 PM

Slavery and Human Trafficking Prevention Month

24-0081 1. ROLL CALL: Present: Boesen, Gatto, Mandelbaum. Coleman, Voss and Westergaard.

24-0082 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.

24-0083 3. APPROVING CONSENT AGENDA * – items 3 through 43: Moved by Gatto to adopt the balance of the Consent Agenda. Second by Coleman. 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

4. Approving Alcoholic Beverage License Applications for the following: Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0. *Council Member Coleman votes no on items L, M and N.

NEW APPLICATION

NEW ATTLICATION			
(A)	FIVE STARZ RESTAURANT	1951 INDIANOLA AVE	Class C Liquor
RENEWAL APPLICATIONS			
(B)	300 CRAFT & ROOFTOP	300 W MLK JR PKWY	Class C Liquor
(C)	801 STEAK AND CHOP HOUSE	801 GRAND AVE #200	Class C Liquor
(D)	ALBA RESTAURANT 5	19 DES MOINES ST	Class C Liquor
(E)	APOSTO	644 18TH ST	Class C Liquor
(F)	CASEYS GENERAL STORE #2244	2150 E ARMY POST RD	Class B Retail
(G)	CASEYS GENERAL STORE #2322	4331 PARK AVE	Class B Retail
(H)	E 25TH ST PUB & GRUB	509 E 25TH ST	Class C Liquor
(I)	FAREWAY STORES INC #183	4313 FLEUR DR	Class E Liquor
(J)	FAST MART	1621 UNIVERSITY AVE	Class E Liquor
(K)	FLYING MANGO	4345 HICKMAN RD	Class C Liquor
*(L)	GIT N GO STORE #18	6501 SE 14TH ST	Class B Retail
*(M)	GIT N GO STORE #29	4900 URBANDALE AVE	Class B Retail
*(N)	GIT N GO STORE #32	2911 DOUGLAS AVE	Class B Retail
(O)	HAIKU SUSHI INC	1315 31ST ST	Class C Liquor
(P)	HY VEE #6	420 COURT AVE	Class E Liquor
(Q)	HY VEE MARKET GRILLE #6	420 COURT AVE	Class C Liquor
(R)	IOWA TAPROOM	215 E 3RD ST #100	Class C Liquor
(S)	KUM & GO #573	5830 SE 14TH ST	Class E Liquor
(T)	LA TAPATIA 2	3504 MERLE HAY RD	Class B Retail
(U)	LIFT	222 4TH ST	Class C Liquor
(V)	MAD MEATBALL PIZZERIA	210 SW 11TH ST	Class C Liquor
(W)	MAGGIES RUMBLE ROOM	1430 2ND AVE	Class C Liquor
` '	- MARIANAS	1305 UNIVERSITY AVE	Special Class C
(Y)	MARVS MUSIC	506 E 6TH ST #200	Special Class C
(Z)	PALMERS DELI & MARKET	2843 INGERSOLL AVE	Class C Liquor
(AA)PUEBLO VIEJO	3841 E 14TH ST	Class C Liquor
(BB)	QUINTONS BAR & GRILL	506 E GRAND AVE	Class C Liquor
	SNAKE PIT LOUNGE	3100 MCKINLEY AVE	Class F Retail
•	TANGERINE FOOD COMPANY	4700 GRAND AVE	Class C Liquor
	TOBACCO OUTLET PLUS #521	3301 E EUCLID AVE	Class B Retail
(FF)	VARIED INDUSTRIES BLDG	3000 E GRAND AVE	Special Class C

SPECIAL EVENT APPLICATIONS

(GG) CAMPBELLS CONCESSIONS 3000 E GRAND AVE 14 days CLASS C LIQUOR LICENSE FOR THE BEEF EXPO ON FEBRUARY 10 - 18, 2024.

(HH) TANGERINE FOOD COMPANY 100 LOCUST ST 5 days CLASS C LIQUOR LICENSE FOR MAD HATTER/FEVER EVENT ON FEBRUARY 2, 2024.

TRANSFER TO NEW LOCATION

- (II) ELWELL FAMILY FOOD CENTER 3000 E GRAND AVE Class C Liquor TEMPORARY TO THE ANIMAL LEARNING CENTER FOR AN EVENT ON FEBRUARY 3, 2024.
- 24-0085
 5. City Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. Moved by Gatto to adopt. Second by Coleman. Motion Carried 5-1. Nays: Voss.
- 24-0086 6. City Clerk to issue Coin Operated Machine Licenses. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.

PUBLIC IMPROVEMENTS

- 7. Ordering construction of the following:
- 24-0087

 (A) SE 22nd Street Traffic Calming Improvements: Receiving of bids, (2-6-24) and Setting date of hearing, (3-4-24), Engineer's estimate, \$315,000. (Council Communication No. 24-031) Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.
- 24-0088

 (B) 56th Street from Grand Avenue to South of Robertson Drive: Receiving of bids, (2-6-24) and Setting date of hearing, (3-4-24), Engineer's estimate, \$330,000. (Council Communication No. 24-030) Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.
- 24-0089

 (C) 2024 Neighborhood Sidewalk Program Contract 2: Receiving of bids, (2-6-24) and Setting date of hearing, (2-19-24), Engineer's estimate, \$570,000. (Council Communication No. 24-032) Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.
- 8. <u>Approving Supplemental Agreement No. 1 with Bolton & Menk, Inc. for additional work on Stone Park Sprayground Design, not to exceed \$219,500. (Council Communication No. 24-026)</u> Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.

- 9. Approving completion and acceptance of Private Construction Contracts between the following:
- (A) Ryan Companies US, Inc. and The District Developer for Storm Sewer, Sanitary Sewer and Paving Improvements located along E. 3rd Street from Market Street to Vine Street for Market District Phase 1B. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.
- 24-0092 (B) Gator Excavating, Inc. d/b/a Absolute Infrastructure and Galway Homes, Inc. for Sanitary Sewer Improvements located at 335 Forest Avenue for 335 Forest Avenue Condos. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.
 - 10. Accepting completed construction and approving final payment for the following:
- 24-0093

 (A) SW 9th St Bridge Replacement over Middle South Creek, Herberger Construction Company, Inc. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.
- 24-0094 (B) Easton Boulevard Reconstruction E. 33rd Street to Fourmile Creek, All Star Concrete, LLC. **Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.**

SPECIAL ASSESSMENTS

- 24-0095

 11. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2024-01. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.
- 24-0096
 12. Levying Assessments for costs of Sewer Repair at 1929 Jefferson Avenue Schedule No. 2024-01. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.

LAND/PROPERTY TRANSACTIONS

- 24-0097

 13. Approval of final subdivision plat and subdivision bond for Woods of Copper Creek Plat 7. (Council Communication No. 24-023) Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.
- 24-0098

 14. Releasing subdivision bond for Woods of Copper Creek Plat 1. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.
- 24-0099 15. Releasing subdivision bond for Woods of Copper Creek Plat 2. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.
- 24-0100

 16. Partially releasing subdivision bond for Woods of Copper Creek Plat 3. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.

Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0. 24-0102 18. Releasing subdivision bond and PUD restoration bond for Woods of Copper Creek Plat 5. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0. 24-0103 19. Releasing subdivision bond for Woods on the River Plat 10. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0. 24-0104 20. Releasing PUD restoration bond for Woods on the River Plat 11. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0. 24-0105 21. Releasing PUD restoration bond for Gray's Station. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0. 24-0106 22. Releasing subdivision bond for Gray's Station Plat 2. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0. 24-0107 23. Releasing subdivision bond for Bridge District Plat 2. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0. BOARDS/COMMISSIONS/NEIGHBORHOODS 24-0108 24. Approving recommendation of Mayor Connie Boesen to appoint Mike Ludwig to the Neighborhood Development Corporation (NDC) Board of Directors effective immediately. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0. 24-0109 25. Authorize and appoint Major David Ness and Superintendent of Technical Services Michele Bischof as the primary members of the Joint 911 Service Board with Bradley Button, Katie McGhee and Fire Marshal Jonathan Lund serving as alternate members. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0. 24-0110 26. Approving recommendation from Mayor Connie Boesen to appoint Alejandro Orozco to the

Housing Appeals Board, Seat 2, for a three-year term commencing on March 17, 2024 and expiring March 16, 2027. Moved by Gatto to adopt. Second by Coleman. Motion Carried

27. <u>Communication</u> from Ernest Powers advising of his resignation from the Housing Services Board, Seat 9, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Second by Coleman. Motion Carried 6-0.**

17. Releasing subdivision bond and PUD restoration bond for Woods of Copper Creek Plat 4.

24-0101

6-0.

24-0111

SETTING DATE OF HEARINGS

28. On conveyance of vacated alley right-of-way located south of and adjoining 1321 E. Oak Park Avenue to Bradley Murray and Danielle Broome, \$25, (2-5-24). Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24-0113 29. Approving payment to Michelle Corbin. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.

APPROVING

- 30. <u>Final</u> terms of an Urban Renewal Development Agreement with 1435 Mulberry, LLC for the construction of a 202-unit mixed-use apartment building located at 1435 Mulberry Street. (<u>Council Communication No. 24-024</u>) **Moved by Gatto to adopt. Second by Coleman.** Motion Carried 6-0.
 - 31. Items regarding the redevelopment of the property at 666 Grand Avenue and 601 Locust Street: (Council Communication No. 24-025)
- (A) <u>Termination</u> of Declaration of Covenants requiring property be maintained under single ownership. **Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.**
- 24-0116 (B) Uniform Skywalk Amendment for 601 Locust Street. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.
- 24-0117 (C) Assignment of Skywalk Agreement for 601 Locust Street. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.
- 24-0118

 32. Application to the Iowa Department of Agriculture and Land Stewardship (IDALS) for a Water Quality Initiative Targeted Demonstration Watershed Project Grant for \$100,000 for Soil Quality Restoration Project. (Council Communication No. 24-036) Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.
- 24-0119
 33. 28E Agreement with Polk County for a Sponsored Project within the Swan Lake Branch Watershed, not to exceed \$250,000. (Council Communication No. 24-035) Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.

WITHDRAWN

24-0120

34. Form and execution of a lease with 1901 Bell Ave, LLC for use of 4,200 square feet of warehouse space located at 1901 Bell Avenue for storage of impounded vehicles by the Police Department.

- 24-0121
 35. Amendment of the Municipal Parking Facilities Management Service Agreement with ABM Parking Services, Inc. (Council Communication No. 24-027) Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.
- 24-0122 36. Communication from the Greater Des Moines Partnership on behalf of the Iowa State University, requesting approval of placement for up to 10 banners to be displayed on banner poles in downtown Des Moines beginning the first week of March 2024. Moved by Gatto to receive, file and approve. Second by Coleman. Motion Carried 6-0.
- 24-0123 37. Abatement of public nuisance at 400 E. Jackson Avenue. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.
- 24-0124

 38. Communication of fire escrow at 3018 E. Spring 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 November 30, 2023, if owner(s) has not demolished or renovated the structure. Second by Coleman. Motion Carried 6-0.
- 39. Purchase from Streicher's Police Equipment (Jeremy Jenniges, President) of fifty-one (51) ballistic helmets and protective body panels per State of Iowa Participating Addendum and NaspoValue Point Master Agreement for use by the members of the statewide Explosive Ordnance Detection (EOD) taskforce teams, \$162,154.50. (Council Communication No. 24-034) Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.
- 24-0126 40. Receive and file Quarterly Treasurer's Report as of December 31, 2023. Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.
- 41. <u>Authorizing</u> Finance Director to draw checks on <u>registers</u> for the weeks of January 22 and January 29, 2024; to draw checks for the <u>bills</u> of the Des Moines Municipal Housing Agency for the weeks of January 22 and 29, 2024; to draw checks for biweekly payroll due January 26, 2024. **Moved by Gatto to adopt. Second by Coleman. Motion Carried 6-0.**

SECOND CONSIDERATION

- 42. On vacation of an L-shaped alley right-of-way located in the block bounded by Kirkwood Avenue to the north, Lacona Avenue to the south and Courtland Drive to the east. (Council Communication No. 24-037) Moved by Gatto that this ordinance be considered and given second vote for passage. Second by Coleman. Motion Carried 6-0.
- 43. On vacation of approximately 180 feet of the north-south alley right-of-way extending south from Carpenter Avenue between 24th Street and 25th Street. Moved by Gatto that this ordinance be considered and given second vote for passage. Second by Coleman. Motion Carried 6-0.

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

HEARINGS (OPEN AT 5:00 PM) (ITEMS 44 THRU 49)

- 44. On vacation of air and surface rights in a portion of 6th Avenue right-of-way adjoining 3614 6th Avenue and conveyance of a Permanent Easement for Air Space Above City-owned Property and a Permanent Easement for Building Encroachment to 36 on 6th, LLC, \$1,120. Moved by Westergaard to adopt. Second by Voss. Motion Carried 6-0.
- 24-0131

 (A) First consideration of ordinance above. Moved by Westergaard that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 6-0.
- (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, #16,319. Second by Voss. Motion Carried 6-0.
- 45. On vacation of subsurface rights in a portion of 6th Avenue right-of-way in the vicinity of 1716 6th Avenue and conveyance of a Permanent Easement for Subsurface Building Encroachment on City-Owned Property to Center at Sixth, \$450. Moved by Coleman to adopt. Second by Gatto. Motion Carried 6-0.
- 24-0134 (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 6-0.
- (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, #16,320. Second by Gatto. Motion Carried 6-0.

- 46. On a request from MidAmerican Company (Terry L. Smith, Officer) and The District Developer, LLC (Tim Rypma, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Downtown Mixed Use to Public/Semi-Public, and to rezone multiple parcels located in the vicinity of 200 SE 2nd Street from Limited "DXR" and Limited "DX1" Downtown Districts to Limited "P2" Public, Civic, and Institutional District to allow the development of the space for a park and an accessory surface parking area. Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 6-0.
- 24-0137

 (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 6-0.
- 24-0138

 (B) Final consideration of ordinance above (waiver requested by the applicant), 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, #16,321. Second by Voss. Motion Carried 6-0.
- 47. On a request from Sundry Church (Anthony J Hodges, Officer) to rezone 4112 6th Avenue from Limited "N3b" Neighborhood District to "N3b" Neighborhood District, to remove the zoning condition that requires at least one (1) off-street motor vehicle parking space located outside of the front yard area on any parcel that contains a one-household residential use.

 Moved by Westergaard to adopt. Second by Voss. Motion Carried 6-0.
- 24-0140

 (A) First consideration of ordinance above. Moved by Westergaard that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 6-0.
- (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, #16,322. Second by Voss. Motion Carried 6-0.
- 48. 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. Moved by Gatto to adopt. Second by Mandelbaum. Motion Carried 6-0.

- 49. On Stone 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 Caliber Concrete, LLC (Jason Martin, Owner), \$2,132,414.66. (Council Communication No. 24-033) Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.
- 24-0144 (A) Approval of contract and bond. Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.

END HEARINGS AT 5:10 PM

APPROVING II

50. Consideration of a request from MT Home Services LLC, represented by Ashley Martinez, to demolish the structure at 1410 19th Street pursuant to Section 58-70 of the Historic Preservation Ordinance. (Council Communication No. 24-022) Moved by Coleman to APPROVE the request to demolish the Building at 1410 19th Street. subject to all conditions and requirements set forth in City of Des Moines Municipal Code §58-70(d). Second by Gatto. Motion Carried 6-0.

COUNCIL REQUESTS

50-I Receive and file Council discussion and public discussion regarding a vacancy in the office of At Large Council Member and directing staff to draft a resolution reflecting Council's intent on filling the vacancy at its February 5, 2024 Council meeting as follows. Moved by Gatto to adopt, calling for a special election at the earliest practicable date and directing the City Clerk to notify the County Auditor at the Councils direction. Second by Coleman. Motion Carried 6-0.

ORDINANCES FIRST CONSIDERATION

- 51. Amending Chapter 114 of the Municipal Code regarding Traffic Regulation Changes to Approve Rates for the Surface Parking Lots at 1300 Locust Street and 1290 Walnut Street. (Council Communication No. 24-028) Moved by Westergaard that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 6-0.
- (A) 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, #16,323 Second by Voss. Motion Carried 6-0

- 52. Amending Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: (Council Communication No. 24-029) Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 6-0.
 - (A) Code Correction Grand Avenue from 7th Street to 8th Street.
 - (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, #16,324 Second by Gatto. Motion Carried 6-0

COMMUNICATIONS/REPORTS

24-0150

- 24-0151 53. Requests to speak as follows: Moved by Gatto to receive and file. Second by Voss. Motion Carried 6-0.
 - (A) Jolene Prescott did not speak.
 - (B) Cody Dolinsek did not speak.
 - (C) Adam Callanan
 - (D) Lu R Hallmeyer
 - (E) Ben Zachrich did not speak.
 - (F) Taylor Nelson did not speak.
 - (G) Carol Maher did not speak.
 - (H) Peggy Fitch did not speak.
 - (I) Carolyn Uhlenhake Walker
 - (J) Denver Foote did not speak.
 - (K) Joann Muldoon
- 24-0152 MOTION TO ADJOURN. Moved by Boesen to adjourn at 5:45 PM. Motion Carried 6-0.

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