



*** 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

September 11, 2023
5:00 PM

I. CLOSED SESSION – 3:30 PM

[23-1214](#)

- (A) Roll Call. **Present: Cownie, Gatto, Mandelbaum, Voss and Westergaard. Absent: Boesen. Council Member Boesen entered the meeting at 4:39 PM during item C.**

[23-1215](#)

- (B) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C, of the Iowa Code, to discuss necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City. **Moved by Gatto to adopt. Second by Voss. Motion Carried upon roll call 5-1. Absent: Boesen.**

[23-1216](#)

- (C) Closed Session.

[23-1217](#)

- (D) Terminate closed session and reconvene in open session. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

[23-1218](#)

- (E) Motion to adjourn. **Moved by Gatto to adjourn at 4:44 PM. Second by Westergaard. Motion Carried 6-0.**

* * * * *

PROCLAMATIONS – 4:45 PM

One Million Trees

REALTORS Day

[23-1219](#)

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

[23-1220](#)

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

[23-1221](#)

3. APPROVING CONSENT AGENDA * – items 3 through 45: **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

[23-1222](#)

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

NEW APPLICATION

(A) HAUNT 500 LOCUST ST Class C Liquor

RENEWAL APPLICATIONS

(B) AMERICAN OUTLAWS	214 3RD ST	Class C Liquor
(C) ANDYS PLACE	5114 SW 9TH ST	Class C Liquor
(D) ANGRY GOLDFISH	2301 SW 9TH ST	Class C Liquor
(E) BOMB BAR	209 4TH ST	Class C Liquor
(F) CASEYS STORE #2314	3527 INDIANOLA AVE	Class B Retail
(G) CASEYS STORE #2676	2106 ECHO VALLEY DR	Class E Liquor
(H) CASEYS STORE #44	4560 E 14TH ST	Class B Retail
(I) CEVICHE	223 E WALNUT ST	Class C Liquor
(J) CLUB 2000	422 INDIANOLA RD	Class C Liquor
(K) CLYDES FINE DINER	111 E GRAND AVE 111	Class C Liquor
(L) EL VALLE TIENDA	101 ARMY POST RD	Class B Retail
(M) FAREWAY STORES	100 E EUCLID AVE	Class E Liquor
(N) GAMEDAY LANES	3800 MERLE HAY RD	Class C Liquor
(O) GUSTO PIZZA BAR	2301 INGERSOLL AVE	Class C Liquor

- (QQ) SA PRESENTS 2251 GEORGE FLAGG PKWY 5 days
CLASS C LIQUOR LICENSE FOR PAUL CAUTHEN CONCERT ON
SEPTEMBER 29, 2023.
- (RR) THIRSTY PIGS LLC 901 2ND AVE 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR DES MOINES
STREETSTYLE OPEN ON SEPTEMBER 23, 2023.
- (SS) YOUR PRIVATE BAR 4025 TONAWANDA DR 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON SEPTEMBER 16, 2023.
- (TT) YOUR PRIVATE BAR 120 E 5TH ST 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING RECEPTION ON SEPTEMBER
15, 2023.
- (UU) YOUR PRIVATE BAR 313 WALNUT ST 5 days
CLASS C LIQUOR LICENSE FOR REALTOR ROCK THE BLOCK PARTY ON
SEPTEMBER 26, 2023.

OUTDOOR SERVICE APPLICATIONS

- (VV) CHRISTOPHERS DINING 2816 BEAVER AVE Class C Liquor
TEMPORARY FOR BEAVERDALE FALL FESTIVAL ON SEPTEMBER 15 – 16,
2023.
- (WW) NEW NORTHWESTERN 321 E WALNUT ST #160 Class C Liquor
TEMPORARY FOR DES MOINES STREETSTYLE OPEN ON SEPTEMBER 21,
2023.
- (XX) PARLOR 4041 URBANDALE AVE Class C Liquor
TEMPORARY FOR BEAVERDALE FALL FESTIVAL ON SEPTEMBER 15- 16,
2023.

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

[23-1223](#)

- (A) [Aurora](#) Avenue Lane Modifications from Beaver Avenue to Merle Hay Road: Receiving of bids, (10-3-23) and Setting date of hearing, (10-23-23), Engineer's estimate, \$1,100,000. ([Council Communication No. 23-416](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1224](#)

- (B) [1851](#) Hartford Avenue Grading and Restoration: Receiving of bids, (10-3-23) and Setting date of hearing, (10-23-23), Engineer's estimate, \$270,000. ([Council Communication No. 23-417](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

- [23-1225](#) (C) [E. University Avenue Improvements](#) from E. 14th Street to E. 17th Court: Receiving of bids, (10-3-23) and Setting date of hearing, (10-23-23), Engineer's estimate, \$1,300,000. ([Council Communication No. 23-411](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1226](#) (D) [Glendale Cemetery Pond Dredging Improvements](#): Receiving of bids, (10-3-23) and Setting date of hearing, (10-23-23), Engineer's estimate, \$850,000. ([Council Communication No. 23-412](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1227](#) 6. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Bolton & Menk, Inc. for construction design and interpretation services for Western Gateway Water Feature Improvements, not to exceed \$24,500. ([Council Communication No. 23-415](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1228](#) 7. [Approving](#) Supplemental Agreement No. 3 to the Professional Services Agreement with Snyder & Associates, Inc. for construction administration services and additional design services for Carlisle Multi-Use Trail Connection, not to exceed \$44,260. ([Council Communication No. 23-410](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1229](#) 8. [Approving](#) completion and acceptance of private construction contract for storm sewer improvements at 2970 University Avenue between Elder Corporation and Broadlawns Medical Center. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 5-0. Council Member Gatto declares a conflict of interest and abstains from voting.**
- [23-1230](#) 9. [Communication](#) from contractors requesting permission to sublet certain items on public improvement project. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
10. Accepting completed construction and approving final payment for the following:
- [23-1231](#) (A) [Witmer Park Playground and Restroom Improvements](#), Graphite Construction Group, Inc. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1232](#) (B) [Downtown Bumpouts and 12th Street](#) from MLK to Grand, Jasper Construction Services, Inc. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1233](#) (C) [Ashworth Pool and Northwest Pool Painting Improvements](#), A1A Sandblasting (Iowa). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1234](#) (D) [2022-2023 HMA Pavement Scarification and Resurfacing](#), OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

SPECIAL ASSESSMENTS

- [23-1235](#) 11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2023-08. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1236](#) 12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2023-08. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1237](#) 13. [Deletion](#) of rental inspection assessment at 1145 14th Place. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

LAND/PROPERTY TRANSACTIONS

- [23-1238](#) 14. [Approval](#) of final subdivision plat and acceptance of subdivision bond for Ruby Rose Ridge Plat 2, in the vicinity of 2437 Brook View Drive. ([Council Communication No. 23-399](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1239](#) 15. [Approval](#) of final subdivision plat and acceptance of subdivision bond for Ruby Rose Ridge Plat 3, in the vicinity of 2706 E. 50th Court. ([Council Communication No. 23-400](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1240](#) 16. [Approval](#) of final subdivision plat for Northridge 80|35 Business Park Plat 1, in the vicinity of 900 and 990 E. Broadway Avenue. ([Council Communication No. 23-401](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1241](#) 17. [Authorization](#) to proceed with acquisition of the necessary property interests for the McKinley Avenue Reconstruction from SW 9th Street to SW 14th Street Project. ([Council Communication No. 23-402](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1242](#) 18. [Authorization](#) to proceed with acquisition of the necessary property interests for the E. University Avenue Improvements from E. 14th Street to E. 17th Court Project. ([Council Communication No. 23-413](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [23-1243](#) 19. [Recommendation](#) from Council Member Boesen to reappoint Deidre DeJear to the Housing Services Board, Seat 2, for a three-year term expiring June 30, 2026. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

SETTING DATE OF HEARINGS

- [23-1244](#) 20. [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, (10-2-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1245](#) 21. [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, (10-2-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1246](#) 22. [On](#) conveyance of excess City property located south of and adjoining 2720 Garden Road to Hurd Garden, LLC, \$23,300, (10-2-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1247](#) 23. [On](#) conveyance of 4130 Columbia Street to R.M. Madden Construction Inc. for rehabilitation of housing, (10-2-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1248](#) 24. [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, (10-2-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1249](#) 25. [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, (10-2-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1250](#) 26. [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 “NX2” Neighborhood Mix District to allow for the expansion of a parking lot for an existing Group Living - Assisted Living Facility use, (10-2-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

- [23-1251](#) 27. 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, (10-2-23). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [23-1252](#) 28. Approving payment to MidAmerican Energy for a property claim. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

CITY MANAGER COMMUNICATIONS

- [23-1253](#) 29. Submitting travel and training request for Mayor T.M. Franklin Cownie. (Council Communication No. 23-425) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

APPROVING

- [23-1254](#) 30. 2023 Continuum of Care (CoC) Grant Program competitive application, including noncompetitive award of Youth Homelessness Demonstration Program renewal and replacement grants, to the US Department of Housing and Urban Development (HUD) (Council Communication No. 23-421) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

- [23-1255](#) 31. HOME Investment Partnerships Program (HOME) Community Housing Development Organization (CHDO) Funding for Home Opportunities Made Easy, Incorporated (HOME, Inc.) to construct an affordable single-family home at 3314 E. 7th Street. (Council Communication No. 23-424) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

- [23-1256](#) 32. Rental Housing Enhancement Program Policy and Procedures to address separation of shared forced air heating sources and knockout panels. (Council Communication No. 23-423) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

WITHDRAWN

- [23-1257](#) 33. ~~First Amended and Restated Urban Renewal Development Agreement with North Des Moines Town Hall, LP for the renovation of 1601 6th Avenue into a mixed use residential and commercial development. (Council Communication No. 23-406)~~

- [23-1258](#) 34. First Amendment to the Parcel Development Agreement with Slate at Gray's Landing, LLC and River Point West LLC for The Slate at the northwest corner of SW 11th and Murphy Streets. (Council Communication No. 23-404) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

- [23-1259](#) 35. [First](#) Amendment to Minimum Assessment Agreement by and between City of Des Moines, Merle Hay Anchors, LLC and Polk County Assessor. ([Council Communication No. 23-405](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1260](#) 36. [Preliminary](#) terms of an urban renewal development agreement with FJ Management Inc. for the acquisition and retention of 250 jobs and a new 10-year lease for 40,000-square-feet of office space at 1100 Locust Street. ([Council Communication No. 23-407](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1261](#) 37. [Resolution](#) approving supplemental funding for the City’s Neighborhood Block Challenge Grant (BCG) Program. ([Council Communication No. 23-422](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1262](#) 38. [Honorary](#) naming of 13th Street between Grand Avenue and Locust Street as “World Record Way”. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1263](#) 39. [Agreement](#) for administration of the Greater Des Moines Recreational Activity Scholarship Program (GRASP) Program with IMPACT Community Action Partnership. ([Council Communication No. 23-408](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1264](#) 40. [Recyclables](#) Processing and Marketing Service Agreement with Metro Waste Authority (MWA). ([Council Communication No. 23-409](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1265](#) 41. [Authority](#) to enter into an extension of agreement with Voya for the provision of group life insurance, long term disability and supplemental insurance benefits for the period October 1, 2023 through June 30, 2024. ([Council Communication No. 23-418](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1266](#) 42. [Additional](#) action on the authorization of a Loan Agreement and the issuance of not to exceed \$50,000,000 General Obligation Capital Loan Notes (General Fund). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1267](#) 42-I [Fund](#) transfer resolution of the City of Des Moines FY 2023. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

43. Abatement of public nuisance as follows:

[23-1268](#) (A) [3308](#) SE 4th Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1269](#) (B) [1453](#) Capitol Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1270](#) 44. [Purchase](#) from Keltex Incorporated (Michelle Jensen, President and CEO) of 34 replacement Toughbook Tablets for use by the Fire Department per Minnesota WSCA-NASPO Master Agreement and State of Iowa Contract and approving supplemental agreement with Panasonic Connect North America, \$171,780.58. ([Council Communication No. 23-419](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1271](#) 45. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of September 11, 18 and 25, 2023; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of September 11, 18 and 25, 2023; to draw checks for biweekly payroll due September 22, 2023. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

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

HEARINGS (OPEN AT 5:00 PM.) (ITEMS 46 THRU 47)

[23-1272](#) 46. [On](#) a request from Southeast Polk Family Church (David L Harper, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification for the property from Low Density Residential to Community Mixed Use, and to rezone property located in the vicinity of 4101 E. 42nd Street from “P2” Public, Civic, and Institutional District to Limited “MX3” Mixed Use District to allow the use of the eastern portion of the property for a new Animal Service – Boarding use. **Moved by Westergaard to adopt. Second by Gatto. Motion Carried 6-0.**

[23-1273](#) (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 6-0.**

[23-1274](#) (B) [Final](#) consideration of ordinance above (waiver requested by 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, #[16,277](#). Second by Gatto. Motion Carried 6-0.**

[23-1275](#)

47. **On** City-initiated request to amend the PlanDSM Creating Our Tomorrow Plan to adopt ReflectDSM: Honoring All Des Moines Histories (Historic Preservation Plan) and incorporate as an element. ([Council Communication No. 23-403](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-0.**

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

ORDINANCES FIRST CONSIDERATION

[23-1276](#)

48. **Amending** Chapters 10, 30 and 74 of the Municipal Code relating to liquor, wine or beer licenses. ([Council Communication No. 23-398](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 6-0.**

[23-1277](#)

- (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, #16,278. Second by Boesen. Motion Carried 6-0.**

[23-1278](#)

49. **Amending** Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: ([Council Communication No. 23-414](#)) **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 6-0.**

- (A) Parking Modification – 24th Street between Forest Avenue and Clark Street and Forest Avenue between 24th Street and 25th Street.
(B) Parking Modification – High Street between 24th Street and 28th Street.
(C) Parking Modifications – Grand Avenue between 2nd Avenue and 3rd Street and Grand Avenue between 4th Street and 5th Avenue.

[23-1279](#)

- (D) 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, #16,279. Second by Gatto. Motion Carried 6-0.**

REQUEST TO SPEAK

[23-1280](#)

50. **Requests** to speak as follows: **Moved by Gatto to receive and file. Second by Boesen. Motion Carried 6-0.**

- (A) Jeff Luke
(B) Bridget Botkin – Did not speak.
(C) Dr. Sylvia Nemmers
(D) Adam Callanan
(E) Steven Bowman – Did not speak.

- (F) Justin O’Neal
- (G) Jolene Prescott

EXTRA ITEM

[23-1281](#)

1. [A](#) resolution finding a vacancy in the Office of Ward 1 Council Member and calling for a special election at the earliest practicable date of November 7, 2023 and directing the City Clerk to notify the Commissioner of Elections of the Council decision to call for a special election pursuant to Iowa Code and authorizing City staff to take all necessary actions to accomplish such direction. Sponsors: Mayor Cownie and Mayor Pro Tem Boesen. **Moved by Boesen to adopt. Second by Mandelbaum. Motion Carried 6-0.**

[23-1282](#)

MOTION TO ADJOURN. **Moved by Gatto to adjourn at 5:35 PM. Second by Boesen. Motion Carried 6-0.**

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