



***** 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 23, 2023
5:00 PM

- [23-1397](#) 1. ROLL CALL: **Present: Cownie, Boesen, Gatto, Mandelbaum, Voss and Westergaard.**
- [23-1398](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1399](#) 3. APPROVING CONSENT AGENDA * – items 3 through 60: **Moved by Gatto to adopt the balance of the Consent Agenda. Second by Voss. 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

[23-1400](#)

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

NEW APPLICATIONS

(A)	E NATION GROCERY LLC	3826 DOUGLAS AVE	Class B Retail
(B)	FLEUR CINEMA & CAFE	4545 FLEUR DR	Special Class C
(C)	FUZZYS TACO SHOP	300 W MLK JR PKWY	Class C Liquor
(D)	JACKS PLACE	6112 SW 9TH ST	Class C Liquor
(E)	MARGARITAS MEXICAN	1810 ARMY POST RD	Class C Liquor
(F)	MY BROTHERS PLACE	2400 DEAN AVE	Class C Liquor
(G)	SOUTHWEST MART	3718 SW 9TH ST	Class B Retail

RENEWAL APPLICATIONS

(H)	AC HOTEL	401 E GRAND AVE	Class C Liquor
(I)	AMERICAN LEGION	1511 SOUTH UNION	Special Class C
(J)	BORDENAROS PIZZA INC	6108 SW 9TH ST	Class C Liquor
(K)	CASEYS STORE #2921	3725 BEAVER AVE	Class B Retail
(L)	CASEYS STORE #2922	3501 E 14TH ST	Class B Retail
(M)	CENTRAL CITY 2	1501 MICHIGAN ST	Class E Liquor
(N)	CENTRO RESTAURANT	1003 - 1007 LOCUST ST	Class C Liquor
(O)	CHEESE SHOP	833 42ND ST #B	Special Class C
(P)	COA CANTINA	425 E GRAND AVE	Class C Liquor
(Q)	DAM PUB	2712 BEAVER AVE	Class C Liquor
(R)	DES LUX HOTEL	800 LOCUST ST	Class C Liquor
(S)	DES MOINES IZAAK	4343 GEORGE FLAGG	Class C Liquor
(T)	DONNAS	4424 E 14 TH ST	Class C Liquor
(U)	EL CHERO	1828 HUBBELL AVE	Class C Liquor
(V)	EL RINCON CATRACHO 2	910 HULL AVE	Class C Liquor
(W)	EUREST DINING	1331 GRAND AVE	Class C Liquor
(X)	FAMILY PANTRY	4538 LOWER BEAVER	Class E Liquor
(Y)	GIT N GO STORE #33	865 42ND ST	Class B Retail
(Z)	GOLDEN FAMILY	4109 SE 14TH ST	Class B Retail
(AA)	HESSSEN HAUS	101 4TH ST	Class C Liquor
(BB)	HOME2 SUITES	2650 UNIVERSITY AVE	Class C Liquor
(CC)	HYATT PLACE	418 6TH AVE	Class C Liquor
(DD)	IN & OUT MARKET	2127 MLK JR PKWY	Class E Liquor
(EE)	KUM & GO #535	4960 E BROADWAY AVE	Class E Liquor
(FF)	LUCKY LOTUS	2721 INGERSOLL AVE	Class C Liquor
(GG)	MARS COFFEE	2318 UNIVERSITY AVE	Special Class C
(HH)	OH SUSHI	2815 BEAVER AVE #101	Special Class C
(II)	PARLOR	4041 URBAN DALE AVE	Class C Liquor
(JJ)	QUIK TRIP #530	1424 E EUCLID AVE	Class E Liquor
(KK)	QUIK TRIP #559	4021 FLEUR DR	Class E Liquor
(LL)	SPROCKETS PUB	1905 INGERSOLL AVE	Class C Liquor

(MM) SURETY HOTEL	206 6TH AVE	Class C Liquor
(NN) TOBACCO HUT	5714 HICKMAN RD	Class B Retail
(OO) TRELIS CAFE	909 ROBERT D RAY DR	Class C Liquor

SPECIAL EVENT APPLICATIONS

~~(PP) 5.I.V.E ENTERTAINMENT 504 E LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR ALBUM LISTENING PARTY ON OCTOBER 28, 2023. PENDING APPROVAL OF BUILDING, ELECTRICAL, FIRE, ZONING AND VICE DEPARTMENTS.~~

~~(QQ) APRES BAR CO 400 E COURT AVE 5 days
CLASS C LIQUOR LICENSE FOR AN EVENT ON OCTOBER 26, 2023.~~

(RR) CHRISTIANIS EVENTS 4025 TONAWANDA DR 5 days
CLASS C LIQUOR LICENSE FOR AN EVENT ON OCTOBER 26, 2023.

(SS) COA CANTINA 455 SW 5TH ST #C 5 days
CLASS C LIQUOR LICENSE FOR A HALLOWEEN PARTY ON OCTOBER 28, 2023.

(TT) PEACH CART CO 4025 TONAWANDA DR 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON OCTOBER 28, 2023.

[23-1401](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Second by Voss. Motion Carried 5-1. Nays: Cownie.**

[23-1402](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[23-1403](#) (A) [2024](#) Traffic Signal Replacement Contract 1: Receiving of bids, (11-7-23) and Setting date of hearing, (11-20-23), Engineer’s estimate, \$475,000. ([Council Communication No. 23-463](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

[23-1404](#) (B) [2nd](#) Avenue Reconstruction from University to the Des Moines River: Receiving of bids, (11-7-23) and Setting date of hearing, (12-4-23), Engineer’s estimate, \$17,500,000. ([Council Communication No. 23-464](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

[23-1405](#) (C) [Burke](#) Park Sprayground: Receiving of bids, (11-21-23) and Setting date of hearing, (12-18-23), Engineer’s estimate, \$565,000. ([Council Communication No. 23-465](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

- [23-1406](#) 8. [Authorizing](#) and approving agreement with Ryan Companies US, Inc. for construction manager at risk services for the Des Moines Fire Station No. 4 Replacement, with pre-construction services, not to exceed \$140,100. ([Council Communication No. 23-454](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1407](#) 9. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Preconstruction Agreement for the 63rd Street Trail from SW McKinley Avenue to Racoon River. ([Council Communication No. 23-458](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1408](#) 10. [Acceptance](#) of a proposal from MidAmerican Energy Company to install 12 streetlights and 12 pedestrian lights for E. 4th Street Reconstruction from E. Martin Luther King Jr. Parkway to E. Market Street, estimated at \$117,122.15. ([Council Communication No. 23-456](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1409](#) 11. [Approving](#) exception to Request for Proposal process for good cause and approving Professional Services Agreement with OPN, Inc. d/b/a OPN Architects, Inc. for the City Facility Expansion Phase 1 Improvements Project, not to exceed \$2,240,660. ([Council Communication No. 23-455](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1410](#) 12. [Approving](#) Professional Services Agreement with Felsburg Holt & Ullevig, Inc. for the SW 9th Street Traffic Study, not to exceed \$191,400. ([Council Communication No. 23-453](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1411](#) 13. [Approving](#) Change Order No. 3 with All Star Concrete, LLC for additional work on University Avenue – 39th Street to 25th Street Improvements, \$549,484.48. ([Council Communication No. 23-457](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1412](#) 14. [Approving](#) private construction contract between Seneca Companies, Inc. and QuikTrip Corporation for paving, sanitary sewer and storm sewer improvements in 1930 Indianola Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1413](#) 15. [Approving](#) completion and acceptance of private construction contract between Alliance Construction Group, LLC and QSL Development, LLC for paving improvements in Woodbury Plat 1. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1414](#) 16. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

SPECIAL ASSESSMENTS

- [23-1415](#) 17. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2023-09. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1416](#) 18. [Deletion](#) of rental inspection assessment at 1706 Arlington Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [23-1417](#) 19. [Approve](#) expansion of the Watrous South Neighborhood boundaries in accordance with the Neighborhood Recognition Policy. ([Council Communication No. 23-469](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1418](#) 20. [Approving](#) reappointments and appointments to the Stormwater Infrastructure Advisory Committee as recommended by the Public Works Director for a term expiring December 31, 2024. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1419](#) 21. [Recommendation](#) from Council Member Voss to reappoint Ann Schmid to the Historic Preservation Committee, Seat 6, for a three-year term expiring October 18, 2026. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1420](#) 22. [Recommendation](#) from Council Member Westergaard to reappoint Nancy Suby-Bohn to the Stormwater Infrastructure Advisory Committee, Seat 8, for a term expiring December 31, 2024. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1421](#) 23. [Communication](#) from Carol Maher advising of her resignation from the Plan and Zoning Commission, Seat 13, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for her service. Second by Voss. Motion Carried 6-0.**

SETTING DATE OF HEARINGS

- [23-1422](#) 24. [On](#) conveyance of vacated alley right-of-way located east of and adjoining 737 SE 26th Court to Henry Artero and Celina Quijano, \$25, (11-6-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1423](#) 25. [On](#) conveyance of excess City property locally known as 4209 51st Street to Charles A. Hughes and Cynthia A. Hughes, \$500, (11-6-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1424](#) 26. [On](#) conveyance of a permanent easement for sanitary sewer facilities in City property located south of the Des Moines River and north of Hartford Avenue between SE 1st Street and SE 22nd Street to Des Moines Metropolitan Wastewater Reclamation Authority, (11-6-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

- [23-1425](#) 27. **On** vacation of a portion of north-south alley right-of-way located east of and adjoining 611 and 625 SE 10th Street and conveyance to Thikra Noori Al Mahdawi and Salah Abdulrazzak Abdulwahab, \$200, (11-6-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1426](#) 28. **On** vacation of subsurface rights within Locust Street right-of-way adjoining 1716 Locust Street and conveyance of a Permanent Easement for Subsurface Building Encroachment on City-owned property to Meredith Operations Corporation, \$4,700, (11-6-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1427](#) 29. **On** a request from Jedd Corporation (Daniel R. Rice, Officer) to rezone property located in the vicinity of 4221 SE 14th Street from “MX3-V” Mixed Use District to “MX3” Mixed Use District to allow renovation of an existing building and property for “Vehicle Maintenance and Repair, Minor” and “Vehicle Sales” uses, (11-6-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1428](#) 30. **On** a request from Neighborhood Development Corporation (Abbey Gilroy, Officer) for property located at 1408 31st Street to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node, and to rezone the northern 50 feet from “MX1” Mixed Use District to “RX1” Mixed Use District to allow the development of the property in common with the parcels to the south for two (2) multiple-household apartment buildings, (11-6-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1429](#) 31. **On** a request from 621-625 Ovid, LLC (Clarissa Cortez, Officer) for two (2) parcels located in the vicinity of 621 Ovid Avenue to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low Density Residential to High Density Residential and to rezone the property from “N5” Residential District to Limited “NX2” Mixed Use District to allow a 3rd dwelling unit within each of two (2) existing duplex structures, (11-6-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1430](#) 32. **On** a request from Starlink, LLC (Becky Hiu, Officer) for 1900 Arlington Avenue to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low-Medium Density Residential to High Density Residential and to rezone the property from “N5” Neighborhood District to “NX1” Mixed Use District to allow reuse of the existing structure for multiple-household residential use with up to seven (7) dwelling units, (11-6-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

[23-1431](#)

33. [On](#) a request from Airport Development, LC (Stuart Ruddy, Officer); Scharnberg Real Estate, LLC (Mark Scharnberg, Officer); DSM Fleur Hospitality, LLC (Biren Patel, Officer); and West Lakes Properties, LC (Gerard D. Neugent, Officer) for property located in the vicinity of 2400 Gannett Avenue, for review and approval of a 3rd amendment to the Airport Commerce Park South PUD Conceptual Plan for multiple parcels located in the vicinity of 2400 Gannett Avenue to allow use of metal siding, cladding, and roofing materials, (11-6-23). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

APPROVING

[23-1432](#)

34. [Preliminary](#) commitment of \$1,000,000 of Community Development Block Grant (CDBG) funds for the Ellipsis Campus at 5525 Meredith Drive. ([Council Communication No. 23-471](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

WITHDRAWN

[23-1433](#)

35. ~~[\\$500,000](#) of Community Development Block Grant (CDBG) funds for the infrastructure and site improvements associated with Habitat for Humanity Carter Circle project and development of 14 affordable homeownership units at 4320 E. 46th Street. ([Council Communication No. 23-470](#))~~

[23-1434](#)

36. [Grant](#) Application to and subsequent grant agreement, if awarded, with the Polk County Housing Trust Fund (PCHTF) for \$150,000 toward owner-occupied repairs. ([Council Communication No. 23-475](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

[23-1435](#)

37. [Issuance](#) of Certificate of Completion for Slate Apartments at the northwest corner of SW 11th Street and Murphy Street in the Metro Center Urban Renewal Area. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

[23-1436](#)

38. [Consent](#) to Assignment and Assumption of Urban Renewal Development Agreement for Market Place Lofts. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

[23-1437](#)

39. [Consent](#) to Assignment and Assumption of Urban Renewal Development Agreement for Court Avenue Lofts. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

[23-1438](#)

40. [Second](#) Amendment to grant agreement with Life Care Companies LLC, and LCS Real Estate LLC n/k/a LCS Leasing LLC, dated October 24, 2014, for continued retention and expansion of its home office facilities and operations within the City of Des Moines. ([Council Communication No. 23-478](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

[23-1439](#)

41. [Request](#) from Temple Partners, LP (Owner) for a Certificate of Appropriateness to allow construction of a six-foot-tall black ornamental fence and gate in the rear of the Masonic Temple Local Landmark at 1101 Locust Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

- [23-1440](#) 42. [Updates](#) to the Rental Housing Enhancement Program Policy and Procedures to address separation of shared forced air heating sources and knockout panels. ([Council Communication No. 23-468](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1441](#) 43. [Memorandum](#) of Understanding (MOU) with the Iowa Department of Revenue (IDR) for participation in the Income Setoff Program. ([Council Communication No. 23-480](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1442](#) 44. [An](#) exception to the procurement ordinance competitive process for good cause and approval of an amendment to extend agreement for State legislative lobbying services with Carney & Appleby, PLC. ([Council Communication No. 23-485](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1443](#) 45. [First](#) Amendment to the Maintenance Agreement with Iowa Sports Turf Management Inc, to maintain various athletic fields. ([Council Communication No. 23-476](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1444](#) 46. [Donation](#) agreement with Mary K. and Daniel M. Kelly Family Foundation for funding of Stone Park pickleball courts. ([Council Communication No. 23-477](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1445](#) 47. [Des](#) Moines City Council meeting schedule for the calendar year 2024. **Moved by Gatto to approve. Second by Voss. Motion Carried 6-0.**
- [23-1446](#) 48. [Acceptance](#) of the 2023 Edward Byrne Memorial Justice Assistance (JAG) Grant Award in the amount of \$213,158. ([Council Communication No. 23-481](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1447](#) 49. [Acceptance](#) of funding through the 2023 Homeland Security Grant Program in support of the statewide Weapons of Mass Destruction (WMD)/SWAT and Explosive Ordnance Detection (EOD) Task Force Teams. ([Council Communication No. 23-483](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1448](#) 50. [Fiscal](#) Year (FY) 2023 Annual Federal Equitable Sharing Agreement and Certification. ([Council Communication No. 23-484](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1449](#) 51. [Procurement](#) of animal shelter and field services for the Police Department and approving agreement with the Animal Rescue League of Iowa, Inc. (ARL). ([Council Communication No. 23-474](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

- [23-1450](#) 52. **Purchase** of ammunition from Sunset Law Enforcement LTD (Mike Bright, Owner), Streicher’s, Inc. (Jeremy Jennings, President) and Kiesler Police Supply, Inc. (Doug Kiesler, CEO) and approving use of State of Iowa Master Agreements for use by the Police Department, estimated annual cost \$229,177.83. ([Council Communication No. 23-482](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
53. Abatement of public nuisance as follows:
- [23-1451](#) (A) [1701](#) 41st Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1452](#) (B) [2521](#) 57th Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1453](#) (C) [3840](#) Sherman Boulevard. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1454](#) (D) [1619](#) Gillette Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1455](#) (E) [401](#) E. Wall Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1456](#) (F) [1518](#) Des Moines Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1457](#) (G) [817](#) E. 27th Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1458](#) 54. **Directing** the acceptance of the proposed summary and terms and conditions from J.P. Morgan Chase Bank, N.A. to purchase \$50,000,000 Limited Levy General Obligation Capital Loan Notes, Series 2023 (General Fund). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1459](#) 55. **Issuance** of \$69,665,000 General Obligation Bonds, Series 2023A, levying a tax for payment, and approving the Tax Exemption Certificate and the Continuing Disclosure Certificate. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1460](#) 56. **Issuance** and securing payment of \$21,755,000 Stormwater Management Utility Revenue Bonds, Series 2023B, and providing for a method of payment of the bonds; Approving the Tax Exemption Certificate and Continuing Disclosure Certificate. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1461](#) 57. **Fund** transfer resolution of the City of Des Moines (FY 2023). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1462](#) 58. **Receive** and file Quarterly Treasurer’s Report as of September 30, 2023. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1463](#) 59. **Purchase** from Murphy Tractor and Equipment Company (Thomas Udland, President) of one (1) replacement rubber tire tractor backhoe per Sourcewell Contract for use by the Public Works Department, \$189,574. ([Council Communication No. 23-466](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

[23-1464](#)

- 60. [Authorizing](#) Finance Director to draw [checks](#) on registers for the weeks of October 23 and 30, 2023; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of October 23 and 30, 2023; to draw checks for biweekly payroll due November 3, 2023. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 61 THRU 79)

[23-1465](#)

- 61. [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. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-0.**

[23-1466](#)

- (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 6-0.**

[23-1467](#)

- (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, #[16,284](#). Second by Gatto. Motion Carried 6-0.**

[23-1468](#)

- 62. [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. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1469](#)

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

[23-1470](#)

- (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, #[16,285](#). Second by Boesen. Motion Carried 6-0.**

[23-1471](#)

- 63. [On](#) conveyance of City-owned property at 3116 Lincoln Avenue to Home Opportunities Made Easy (HOME), Inc. for redevelopment of housing. ([Council Communication No. 23-467](#)) **Moved by Gatto to adopt. Second by Mandelbaum. Motion Carried 6-0.**

- [23-1472](#) 64. **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. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-0.**
- [23-1473](#) (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 6-0.**
- [23-1474](#) (B) **Final** consideration of ordinance above (waiver requested by 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, #16,286. Second by Gatto. Motion Carried 6-0.**
- [23-1475](#) 65. **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. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1476](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 6-0.**
- [23-1477](#) (B) **Final** consideration of ordinance above (waiver requested by 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, #16,287. Second by Boesen. Motion Carried 6-0.**
- [23-1478](#) 66. **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. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1479](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 6-0.**

- [23-1480](#) (B) **Final** consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #16,288. Second by Boesen. Motion Carried 6-0.**
- [23-1481](#) 67. **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). **Moved by Westergaard to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1482](#) (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.**
- [23-1483](#) (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, #16,289. Second by Voss. Motion Carried 6-0.**
- [23-1484](#) 68. **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. **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 6-0.**
- [23-1485](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 6-0.**
- [23-1486](#) (B) **Final** consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #16,290. Second by Boesen. Motion Carried 6-0.**

[23-1487](#)

69. **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. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-0.**

[23-1488](#)

- (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 6-0.**

[23-1489](#)

- (B) **Final** consideration of ordinance above (waiver requested by 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, #16,291. Second by Gatto. Motion Carried 6-0.**

[23-1490](#)

70. **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. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 6-0.**

[23-1491](#)

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

[23-1492](#)

- (B) **Final** consideration of ordinance above (waiver requested by 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, #16,292. Second by Boesen. Motion Carried 6-0.**

- [23-1493](#) 71. **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. **Moved by Mandelbaum to continue the public hearing until November 6, 2023, at 5:00 p.m. in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, and to direct the City Manager and Legal Department to prepare the necessary legislation to APPROVE the requested amendment to the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Neighborhood Mixed Use to Community Mixed Use and the requested rezoning for Property "RX1" Mixed Use District to "MX3" Mixed Use District, to allow the redevelopment of an existing building as a convenience store with liquor sales, and determining the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan. Second by Voss. Motion Carried 6-0.**
- [23-1494](#) 72. **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. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-0.**
- [23-1495](#) 73. **On** requests from Riva Walters (Owner) for 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. ([Council Communication No. 23-479](#)) **Moved by Mandelbaum to continue to the November 6, 2023 Council meeting. Second by Gatto. Motion Carried 6-0.**
- [23-1496](#) 74. **On** assessment of \$500 penalty to alcoholic beverage license/permit holder for violation of Iowa alcoholic beverage laws. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1497](#) 75. **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. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1498](#) 76. **On** Aurora Avenue Lane Modifications from Beaver Avenue to Merle Hay Road: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as InRoads, LLC (Joseph J. Manatt, CEO), \$991,957.60. ([Council Communication No. 23-459](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-0.**
- [23-1499](#) (A) **Approval** of contract and bond. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-0.**

- [23-1500](#) 77. **On** 1851 Hartford Avenue Grading and Restoration: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Wenthold Excavating LLC (Cory Wenthold, President), \$183,491.50. ([Council Communication No. 23-460](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1501](#) (A) **Approval** of contract and bond. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 6-0.**
- [23-1502](#) 78. **On** E. University Avenue Improvements from E. 14th Street to E. 17th Court: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving (Kevin Bragg, President), \$1,200,932.38. ([Council Communication No. 23-461](#)) **Moved by Westergaard to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1503](#) (A) **Approval** of contract and bond. **Moved by Westergaard to adopt. Second by Voss. Motion Carried 6-0.**
- [23-1504](#) 79. **On** Glendale Cemetery Pond Dredging Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as RW Excavating Solutions, LC (Dan E. Wilson, Managing Member), \$562,785. ([Council Communication No. 23-462](#)) **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-0.**
- [23-1505](#) (A) **Approval** of contract and bond. **Moved by Boesen to adopt. Second by Gatto. Motion Carried 6-0.**

****END HEARINGS AT 6:10 PM****

ORDINANCES FIRST CONSIDERATION

- [23-1506](#) 80. **Amending** Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: ([Council Communication No. 23-451](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 6-0.**
- (A) Parking Modification - Ingersoll Avenue between 14th Street to Martin Luther King Jr Parkway.
- (B) Code Correction - Walnut Street between 13th Street and 15th Street.
- (C) Parking Modification – 18th Street between Grand Avenue and Ingersoll Avenue.
- (D) Parking Modification – SE 18th Court between E. Lacona Avenue and E. Maish Avenue.
- (E) Parking Modification – SE 4th Street between E. Martin Luther King Jr. Parkway and Scott Avenue.

- (F) Traffic Control Change – Intersection of 39th Street and Center Street.
- (G) Corner Clearance Parking Restrictions:
 - (1) DeWolf Street and Easton Boulevard.
 - (2) E. Grand Avenue and E. 23rd Street.
 - (3) Kenyon Avenue and SW 14th Street.
- (H) 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, #16,293. Second by Boesen. Motion Carried 6-0.**

[23-1507](#)

[23-1508](#)

- 81. **Amending** Chapter 114, Division 2 of the Municipal Code regarding the duties and member composition of the Transportation Safety Committee. (**Council Communication No. 23-452**) **Moved by Voss that this ordinance be considered and given first vote for passage. Direct the Legal Department to add a seat for a member that is mobility challenged for the second reading of the ordinance. Second by Gatto. Motion Carried 6-0.**

REQUEST TO SPEAK

[23-1509](#)

- 82. **Requests** to speak as follows: **Moved by Gatto to receive and file. Second by Boesen. Motion Carried 6-0.**
 - (A) Adam Callanan
 - (B) Jean O’Donnell
 - (C) Gina Lund – did not speak.
 - (D) Tom Rendon
 - (E) Sista Rose Marie Smith

[23-1510](#)

MOTION TO ADJOURN. Moved by Boesen to adjourn at 6:28 PM. Second by Gatto. Motion Carried 6-0.

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