



***** 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

February 5, 2024
5:00 PM

PRESENTATION – 4:45 PM

Polk County and Prairie Meadows Check Presentation

PROCLAMATION

Black History Month

- [24-0157](#) 1. ROLL CALL: Present: Boesen, Voss, Coleman, Westergaard, Mandelbaum and Gatto.
- [24-0158](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.
- [24-0159](#) 3. APPROVING CONSENT AGENDA * – items 3 through 36: Moved by Gatto to adopt the balance of the Consent Agenda. Second by Westergaard. 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

[24-0160](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0. Council member Gatto declares a conflict of interest and abstains from voting.**

NEW APPLICATIONS

(A) CHELSIES COURTYARD	300 W MLK JR PKWY	Class C Liquor
(B) INDIA STAR	5514 DOUGLAS AVE	Special Class C
(C) VICKIES	2801 2ND AVE	Class C Liquor

RENEWAL APPLICATIONS

(D) BEAVER TAP	4050 URBAN DALE AVE	Class C Liquor
* (E) CAFE BARATTAS	600 E LOCUST ST	Class C Liquor
(F) CASEYS STORE #3518	1907 ARMY POST RD	Class E Liquor
(G) CASH SAVER #33	1320 E EUCLID AVE	Class E Liquor
(H) CHIPOTLE MEXICAN	3737 MERLE HAY RD	Class C Liquor
(I) GIT N GO STORE #23	2930 HICKMAN RD	Class B Retail
(J) LACHELES FINE FOODS	2716 INGERSOLL AVE	Class C Liquor
(K) LACRUZ #3	3900 E 14TH ST #1	Class B Retail
(L) MARIANAS	1305 UNIVERSITY AVE	Special Class C
(M) SNAKE PIT LOUNGE	3100 MCKINLEY AVE	Class F Retail
(N) TUPELO HONEY	665 GRAND AVE SUITE	Class C Liquor

SPECIAL EVENT APPLICATIONS

- (O) APRES BAR CO 519 PARK ST 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON FEBRUARY 24, 2024
- (P) BUZZARD BILLYS 615 3RD ST 5 days
CLASS C LIQUOR LICENSE FOR STATE WRESTLING TOURNAMENT ON
FEBRUARY 14 - 17, 2024
- (Q) SALISBURY HOUSE 4025 TONAWANDA DR 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR GALENTINES HIGH
TEA AT THE CASTLE ON FEBRUARY 17, 2024.
- (R) TANGERINE FOOD CO 100 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR MAD HATTER/FEVER EVENTS ON
FEBRUARY 14 - 15, 2024.

- [24-0161](#) 5. [City Clerk](#) to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- [24-0162](#) (A) [30th Street Sidewalk](#) from Urbandale Avenue to Euclid Avenue: Receiving of bids, (2-20-24) and Setting date of hearing, (3-18-24), Engineer's estimate, \$250,000. ([Council Communication No. 24-052](#)) **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

- [24-0163](#) (B) [Gray's Lake Parking Lot, Trail and Dock Improvements](#): Receiving of bids, (3-5-24) and Setting date of hearing, (4-1-24), Engineer's estimate, \$1,900,000. ([Council Communication No. 24-053](#)) **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

- [24-0164](#) 7. [Authorization](#) to submit a Revitalize Iowa's Sound Economy Program (RISE) Grant Application to the Iowa Department of Transportation (IDOT) for the Des Moines Airport Authority's (Authority) Cowles Drive Reconstruction – Phase 4. ([Council Communication No. 24-043](#)) **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

- [24-0165](#) 8. [Approving](#) a Professional Services Agreement with Shive-Hattery, Inc. for SW 1st Street Bridge Park Improvement, not to exceed \$118,500. ([Council Communication No. 24-046](#)) **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

- [24-0166](#) 9. [Approving](#) Supplemental Agreement No. 3 to Professional Services Agreement with SystemWorks, LLC for additional building commissioning services for the Animal Control Building, not to exceed \$12,503. ([Council Communication No. 24-045](#)) **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

- [24-0167](#) 10. [Acceptance](#) of a proposal from MidAmerican Energy Company to remove existing utility poles and relocate overhead utilities underground for E. 4th Street Reconstruction from E. Market Street to E. Vine Street, estimated at \$48,139.71. ([Council Communication No. 24-051](#)) **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

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

- [24-0168](#) (A) [SW](#) 11th Street from W. ML King Jr. Parkway to Dart Way Improvements, Jasper Construction Services, Inc. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**
- [24-0169](#) (B) [North](#) Valley Drive and Grand Avenue Sidewalk and Railroad Crossing Improvements, TK Concrete, Inc. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**
- [24-0170](#) (C) [2022](#) Neighborhood Sidewalk Program, Hawkeye Paving Corporation. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

SPECIAL ASSESSMENTS

- [24-0171](#) 12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2024-02. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

LAND/PROPERTY TRANSACTIONS

WITHDRAWN

- [24-0172](#) 13. [Releasing](#) PUD restoration bond for ~~Brook Landing Plat 1.~~
- [24-0173](#) 14. [Partially](#) releasing subdivision bond for Brook Landing Plat 2. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**
- [24-0174](#) 15. [Releasing](#) subdivision bond for Elevate Townhomes Plat 1. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**
- [24-0175](#) 16. [Approving](#) 285 tax abatement applications for work completed in 2023. ([Council Communication No. 24-056](#)) **Moved by Gatto to adopt and to approve the applications for the total number of years in the applicable exemption schedule, with the schedule to commence with the taxes payable in FY2023/24. Second by Westergaard. Motion Carried 6-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [24-0176](#) 16-I [Recommendation](#) from Council Member Mandelbaum to reappoint Breanne Sanchez to the Transportation Safety Committee, Seat 6, for a three-year term expiring December 31, 2026. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

[24-0177](#) 16-II [Recommendation](#) from Council Member Mandelbaum to appoint Larry James to the Building and Fire Board Code of Appeals, Seat 13, for a three-year term expiring April 1, 2026. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

[24-0178](#) 16-III [Recommendation](#) from Council Member Gatto to appoint Justin Burnham to the Urban Design Review Board, Seat 11, to fill a vacant seat for a term expiring June 30, 2025. Sponsor: Mayor Boesen. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

SETTING DATE OF HEARINGS

[24-0179](#) 17. [On](#) vacation of a portion of the Masonic Temple Cemetery, located southwest and interior to the intersection of 48th Street and Franklin Avenue, and conveyance to ChildServe Habilitation Center, Inc. for the purchase price of \$600,000, (2-19-24). ([Council Communication No. 24-057](#)) **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

[24-0180](#) 18. [On](#) request from IA9 Des Moines, LLC (Bryan Slama, 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 Business Park within a Neighborhood Node, and to rezone three (3) parcels located in the vicinity of 1475 Hart Avenue, from “N1a” Neighborhood District to Limited “EX” Mixed Use District to allow the development of self-storage and/or flex warehouse buildings, where no individual storage unit shall be less than 600 square feet in area, (2-19-24). **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

[24-0181](#) 19. [On](#) a request from Juan’s Auto Repair, LLC (Juan Lopez, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Business Park within a Regional Node to Community Mixed Use within a Regional Node, and to rezone 1660 E. Army Post Road from “EX” Mixed Use District to “CX” Mixed Use District, to allow construction of a new auto body repair shop, (2-19-24). **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

[24-0182](#) 20. [On](#) a request from Elim Christian Fellowship of Des Moines (Michael K. Hurst, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Public/Semi-Public to Downtown Mixed Use and to rezone 525 E. 9th Street property from “P2” Public, Civic, and Institutional District to “DXR” Downtown District, to allow renovation of an existing church building for a school and multiple-household residential use, (2-19-24). **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

- [24-0183](#) 21. On a request from City of Des Moines to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Business Park to Industrial and to rezone the property located in the vicinity of 3500 Vandalia Avenue from “EX” Mixed Use District to “I2” Industrial District to allow the development of a vehicle storage, maintenance, and operation facility for the Des Moines Area Regional Transit Authority (DART), (2-19-24). **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**
- [24-0184](#) 22. On a request from Clayton Enterprises (George Michael Clayton, Officer) 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 for 1726 Oakland Avenue to allow three (3) additional dwelling units within the existing building, which would cause the net density of the property to be greater than 17 dwelling units per acre, (2-19-24). **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**
- [24-0185](#) 23. On approval of form and authorizing execution of a lease with 1901 Bell Ave, LLC for use of 4,200 square feet of warehouse space at 1901 Bell Avenue by the Police Department for storage of impounded vehicles, (2-19-24). **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [24-0186](#) 24. Approving payment to Stew Hansen’s Urbandale Collision Center and the Printer, Inc. for a property damage claim. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

APPROVING

25. First Amendments to Urban Renewal Development Agreements with Hilltop Housing, LLC for construction of apartment buildings in the vicinity of 3600 Hubbell Avenue for the following: ([Council Communication No. 24-055](#))
- [24-0187](#) (A) Hilltop III Housing. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**
- [24-0188](#) (B) Hilltop IV Senior Housing. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**
- [24-0189](#) 26. Agreement with Waukee Community School District regarding Aspiring Professional Experience (APEX) Student Volunteers for Parks and Recreation Projects. ([Council Communication No. 24-039](#)) **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

- [24-0190](#) 27. [2023](#) Certified Local Government (CLG) Annual Report and authorization for Mayor's signature for submittal to the Iowa Department of Cultural Affairs. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**
- [24-0191](#) 27-I [Submittal](#) of applications for the 2024 Homeland Security Grant Program on behalf of the statewide Weapons of Mass Destruction (WMD/SWAT) and the Explosive Ordnance Detection (EOD) task force teams. ([Council Communication No. 24-041](#)) **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**
- [24-0192](#) 28. [Second](#) amendment to Software Hosting Service Agreement with PowerDMS Inc. (David DiGiacomo, CEO). ([Council Communication No. 24-038](#)) **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**
- [24-0193](#) 29. [Amendment](#) to the Tyler Technologies Evergov Permitting and Licensing (EPL) Agreement, \$51,048. ([Council Communication No. 24-042](#)) **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**
- [24-0194](#) 30. [Assignment](#) of lease agreement for office equipment from Koch Brothers, Inc. to E.O. Johnson Company, Inc. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**
31. Abatement of public nuisances as follows:
- [24-0195](#) (A) [618](#) Bancroft Street. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**
- [24-0196](#) (B) [1824](#) Dean Avenue. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**
- [24-0197](#) 32. [Purchase](#) from Ennis Flint Inc. of traffic paint per Iowa Department of Transportation (IDOT) contract for use by the Traffic & Transportation Department, \$125,000. ([Council Communication No. 24-044](#)) **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**
- [24-0198](#) 33. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of February 5 and 12, 2024; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of February 5 and 12, 2024; to draw checks for biweekly payroll due February 9, 2024. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 6-0.**

ORDINANCES - FINAL CONSIDERATION

- [24-0199](#) 34. 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. **Moved by Gatto that this ordinance do now pass, #[16,325](#). Second by Westergaard. Motion Carried 6-0.**
- [24-0200](#) 35. 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 do now pass, #[16,326](#). Second by Westergaard. Motion Carried 6-0.**

ORDINANCES - SECOND CONSIDERATION

- [24-0201](#) 36. Amending Chapter 114, Division 2 of the Municipal Code regarding the duties and member composition of the Transportation Safety Committee, as amended. (Council Communication No. 24-047) **Moved by Gatto that this ordinance be considered and given second vote for passage. Second by Westergaard. Motion Carried 6-0.**

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 37 THRU 40)

- [24-0202](#) 37. 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. **Moved by Westergaard to adopt. Second by Gatto. Motion Carried 6-0.**
- [24-0203](#) 38. On 2024 Neighborhood Sidewalk Program Contract 1: 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), \$1,789,424.17. (Council Communication No. 24-050) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [24-0204](#) (A) Approval of contract and bond. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**
- [24-0205](#) 39. On Ingersoll Avenue Improvements from 28th Street to 31st Street: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Corell Contractor, Inc. (Grant S. Corell, President), \$3,327,667.15. (Council Communication No. 24-049) **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 4-2. Nays: Coleman and Gatto.**
- [24-0206](#) (A) Approval of contract and bond. **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 4-2. Nays: Coleman and Gatto.**

[24-0207](#)

40. **On** University Avenue - 39th Street to 48th Street Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Jasper Construction Services, Inc. (Cliff Rhoads, President.), \$4,373,041.85. ([Council Communication No. 24-048](#)) **Moved by Mandelbaum to adopt. Second by Coleman. Motion Carried 6-0.**

[24-0208](#)

- (A) **Approval** of contract and bond. **Moved by Mandelbaum to adopt. Second by Coleman. Motion Carried 6-0.**

END HEARINGS AT 5:20 PM

ORDINANCES FIRST CONSIDERATION

[24-0209](#)

41. **Amending** Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: ([Council Communication No. 24-054](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage, except item B. Second by Westergaard. Motion Carried 6-0.**

- (A) Parking Restriction – E. 18th Street, Kinsey Avenue, Stewart Street.
- (B) ~~Parking Restriction—SW 9th Street between Bell Avenue and Loomis Avenue.~~
- (C) Code Correction – Stewart Street between E. Washington and Hull Avenue.
- (D) Code Correction – SW 56th Street between Park Avenue and Watrous Avenue.
- (E) Code Correction – Cleveland Avenue at E. 9th Street.
- (F) Corner Clearance Parking Restrictions:
 - (1) 55th Street and Madison Avenue.
 - (2) Fleming Avenue and 30th Street.
 - (3) Mansfield Drive and Hull Avenue.
 - (4) Wright Street and East Euclid Avenue.

[24-0210](#)

- (G) 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, except item B, #[16,327](#). Second by Westergaard. Motion Carried 6-0.**

[24-0211](#)

42. **Amending** Chapter 42 of the Municipal Code relating to noise control. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 6-0.**

[24-0212](#)

- (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, #[16,328](#). Second by Gatto. Motion Carried 6-0.**

43. Items regarding addressing:

[24-0213](#)

(A) [Approval](#) of City of Des Moines Street Naming and Addressing Policy. ([Council Communication No. 24-040](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0.**

[24-0214](#)

(B) [First](#) consideration of ordinance amending Chapter 102 relating to the numbering of buildings. **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 6-0.**

[24-0215](#)

(1) [Final](#) consideration of ordinance above (waiver requested by Chris Johansen, Neighborhood Services Director), 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, #[16,329](#). Second by Voss. Motion Carried 6-0.**

COMMUNICATIONS/REPORTS

[24-0216](#)

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

- (A) Jacey Van Roekel
- (B) Monika Owczarski – Did not speak.
- (C) Luis Gomez
- (D) Allan Rosedale
- (E) Chris Biagini – Did not speak.
- (F) Jennifer Erwin – Did not speak.
- (G) Nell Bennett
- (H) Denver Foote
- (I) Cassandra Monroe
- (J) Michaelyn Mankel
- (K) Abby Bankes
- (L) Jacob Grobe – Did not speak.

[24-0217](#)

MOTION TO ADJOURN. **Moved by Boesen to adjourn at 5:56 PM. Motion Carried 6-0.**

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