

DES MOINES CITY COUNCIL MEETING
City Hall, City Council Chambers
400 Robert D. Ray Drive
Des Moines, Iowa 50309

July 18, 2022
5:00 PM

PROCLAMATIONS – 4:55 PM

National Night Out

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 48:

***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:

NEW APPLICATIONS

(A)	BIG GROVE DES MOINES	555 17TH ST	Class C Liquor
(B)	CASA CANCUN BAR & GRILL	1951 INDIANOLA AVE	Class C Liquor
(C)	DRAKE UNIVERSITY STADIUM	2719 FOREST AVE	Special Class C
(D)	EL CHERO	1828 HUBBELL AVE	Class C Liquor
(E)	ROYAL MART	111 SW 63RD ST	Class E Liquor
(F)	YOUR BEST FRIENDS BAR	6218 WILLOWMERE DR	Class C Liquor

RENEWAL APPLICATIONS

(G)	AIRPORT HOLIDAY INN	6111 FLEUR DR	Class B Liquor
(H)	APPLEBEES	6301 SE 14TH ST	Class C Liquor
(I)	APPLEBEES	3900 MERLE HAY RD	Class C Liquor
(J)	BLACKBIRD HOSPITALITY	713 WALNUT ST	Class C Liquor
(K)	BLANK GOLF COURSE	711 COUNTY LINE RD	Class C Liquor
(L)	BOWLERAMA	1313 E DIEHL AVE	Class C Liquor

7. [Approving](#) the execution of Iowa Department of Transportation (IDOT) Agreement for Intelligent Transportation Systems Upgrade – Phase 3.

[\(Council Communication No. 22-341\)](#)

8. [Acceptance](#) of proposal from MidAmerican Energy Company to install new LED streetlights for the E. Douglas Avenue Reconstruction – E. 42nd Street to E. 56th Street, estimated cost \$159,409.69.

[\(Council Communication No. 22-336\)](#)

9. [Approving](#) Professional Services Agreement with Bolton & Menk, Inc. for the E. 6th Street & E. 7th Street/Pennsylvania Avenue Corridor Study, not to exceed \$136,087.

[\(Council Communication No. 22-335\)](#)

10. [Approving](#) Professional Services Agreement with Bolton & Menk, Inc. for 2025 Neighborhood Sidewalk Program, not to exceed \$179,300.

[\(Council Communication No. 22-330\)](#)

11. [Approving](#) Professional Services Agreement with HR Green, Inc. for design services for the McKinley Avenue Reconstruction (SW 9th Street – SW 14th Street) Project, not to exceed \$365,000.

[\(Council Communication No. 22-342\)](#)

12. [Approving](#) Supplemental Agreement No. 5 to the Professional Services Agreement with Barr Engineering Company for additional services for the Des Moines Levee Alterations – Phase C, not to exceed \$199,500.

[\(Council Communication No. 22-328\)](#)

13. [Approving](#) Change Order No. 1 with Herberger Construction Company, Inc. for additional work on SW 9th Street Bridge Replacement over Middle South Creek, \$71,610.76.

[\(Council Communication No. 22-343\)](#)

14. Approving Private Construction Contracts for the following:

- (A) [Sternquist](#) Construction, Inc. and Hubbell Realty Company for Paving Improvements in Grover Woods Plat 2.
- (B) [Elder](#) Corporation and Broadlawns Medical Center for Storm Sewer Improvements in 2970 University Avenue.

15. Approving completion and acceptance of Private Construction Contracts between the following for Woods on the River Plat 11:
 - (A) [McAninch](#) Corporation and Riverwoods Place, LLC for Storm Sewer Improvements.
 - (B) [McAninch](#) Corporation and Riverwoods Place, LLC for Sanitary Sewer Improvements.
 - (C) [Sternquist](#) Construction Inc. and Hubbell Realty Company for Paving Improvements.
16. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
17. Accepting completed construction and approving final payment for the following:
 - (A) [Market](#) District Sanitary Sewer and Force Main – MPS Engineers, PC d/b/a Kingston Services, PC.
 - (B) [Drake](#) Park Shelter Renovation – GTG Construction. LLC.
 - (C) [Des](#) Moines River Simon Estes Amphitheater Floodwall Improvements – Minturn, Inc.

SPECIAL ASSESSMENTS

18. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2022-06.

LAND/PROPERTY TRANSACTIONS

19. [Conditionally](#) approving Via Three35 Final Plat and acceptance of easements and subdivision bond.

[\(Council Communication No. 22-339\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

20. [Approving](#) amendments to the Des Moines Civil & Human Rights Commission Rules and Regulations on dates and locations of meetings, roles of officers and structure of subcommittees and workgroups.

[\(Council Communication No. 22-349\)](#)

21. [Appointment](#) of T.M. Franklin Cownie to Iowa Confluence Water Trails (ICON) Board of Directors for a three (3) year term (2022-2025).
22. [Communication](#) from J. Cephas Z. K. Davis advising of his resignation from the Greater Des Moines Sister Cities Commission (Seat 11), effective July 13, 2022.

COMMUNICATIONS FROM PLANNING AND ZONING

23. [Regarding](#) request from Euclid Foresight, LLC (Connor Delaney, Officer) for vacation of the westernmost 0.58 feet of an existing north/south alleyway adjoining 413 Euclid Avenue.
24. [Regarding](#) request from City of Des Moines for vacation of an undeveloped east/west alley right-of-way in the vicinity of SE 15th Street and E. Railroad Avenue to allow assembly of parcels for the City of Des Moines' solar field.
25. [Regarding](#) request from KEC Investments, LLC (Ryan Winter, Owner) for review and approval of a major Preliminary Plat "Stanton Ridge Preliminary Plat," on 7.93 acres of property in the vicinity of 2300 Stanton Avenue, for development of 26 lots for one-household residential uses along an extension of Emma Avenue.

SETTING DATE OF HEARINGS

26. [On](#) request from R. Michael Knapp 2001 Revocable Trust, Ellyn Patrice Knapp 2001 Revocable Trust, Ellyn P. Knapp Trust, and R Michael Knapp Trust (Owners) for property located in the vicinity of SW 56th Street, SW McKinley Avenue, and SW Watrous Avenue to amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential, Business Park and Development Control Zone to Development Control Zone and Low Density Residential, and to rezone the property from "P2" Public, Civic, and Institutional District, "EX" Mixed Use District, and "N2b" Neighborhood District to Limited "N2b" Neighborhood District, to allow the development of the property for one-household residential uses, (8-8-22).
27. [On](#) vacation of excess east-west alley right-of-way located south of E. Railroad Avenue, north of Harriett Street and east of SE 15th Street, (8-8-22).

28. [On](#) vacation of City alley right-of-way located north of and adjoining 2513 High Street and conveyance to Robert Fuller, \$75, (8-8-22).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

29. [Approving](#) payment to Dave and Wendy Steffes for a damage claim.

APPROVING

30. [Second](#) Amendment to Urban Renewal Development Agreement with the District Developer, LLC.

[\(Council Communication No. 22-348\)](#)

31. Items regarding 1714 6th Avenue:

- (A) [Approving](#) preliminary terms of agreement with Ashworth Development LLC for the construction of a 4-story, 32-unit mixed use project.

[\(Council Communication No. 22-346\)](#)

- (B) [Approving](#) an economic development grant to match funding in support of Center at Sixth's Nonprofit Innovation Fund grant application.

32. [Preliminary](#) Terms of an Urban Renewal Development Agreement with Exodus Group Investments, LLC for the construction of a new distribution light assembly warehouse at 1717 E. Army Post Road.

[\(Council Communication No. 22-350\)](#)

33. [Receipt](#) of resolution from Merle Hay Mall Reinvestment District Joint Board establishing Merle Hay Reinvestment District.

34. [Termination](#) of Urban Renewal Development Agreement with McKinley Manor, LLC.

35. [Submittal](#) of joint application with Polk County for funding through the 2022 Justice Assistance Grant Program, \$175,808.

[\(Council Communication No. 22-333\)](#)

36. [Expenditures](#) of American Rescue Plan Act (ARPA) funds.

37. [Expenditures](#) of American Rescue Plan Act (ARPA) funds for Central Iowa Basic Income Pilot Project.

[\(Council Communication No. 22-334\)](#)

38. [Receipt](#) of financial reports from Des Moines Water Works.

39. [Communication](#) from the Greater Des Moines Partnership on behalf of the The District Developers, requesting approval of placement for up to 10 banners to be displayed on banner poles in downtown Des Moines beginning the end of July 2022.

40. [Communication](#) from the Greater Des Moines Partnership on behalf of the Hoyt-Sherman Theater, requesting approval of placement for up to 40 banners to be displayed on banner poles in downtown Des Moines beginning the first week of September 2022.

41. Abatement of public nuisances as follows:

- (A) [4325](#) E 29th Street, Lot 151 garage.
- (B) Number not used.
- (C) [229](#) E Payton Avenue.
- (D) [2105](#) Forest Avenue.

42. [City](#) Manager communication regarding an emergency expenditure for roof repair and replacement for the clubhouse roof at A.H. Blank Golf Course, estimated amount \$135,000.

[\(Council Communication No. 22-323\)](#)

43. [First](#) Amendment to contract with FBG Service Corporation for professional custodial services at Municipal, Fleet Services, Public Works, Police and Parks Buildings.

[\(Council Communication No. 22-331\)](#)

44. [Exception](#) to the procurement ordinance request for proposals requirement for good cause and approving agreement with Park Consulting Group for Energov system support and enhancements for use by the IT Department, not to exceed \$120,000.

[\(Council Communication No. 22-344\)](#)

45. Purchases from the following:

- (A) [Toter](#), Inc. (Chad Coquette, Executive Director/CEO) for solid waste collection carts per Sourcewell Cooperative contract for use by the Public Works Department, estimated cost \$508,000.

[\(Council Communication No. 22-322\)](#)

- (B) [Heartland](#) Business Systems (Peter Helander, President) for a 5-year term Cisco Enterprise Agreement Security Bundle per NASPO ValuePoint Master Agreement and State of Iowa Participating Addendum for use by the IT Department, \$621,232.32.

[\(Council Communication No. 22-332\)](#)

- (C) [Gartner](#), Inc. (Eugene A. Hall, President) for a 1-year subscription for Information Technology research and advisory services per NASPO ValuePoint Master Agreement and State of Iowa Contract, \$104,507.

[\(Council Communication No. 22-338\)](#)

46. [Authorizing](#) the City Manager to approve the purchase of up to 40 vehicles for use in various City departments not to exceed \$1,700,000.

[\(Council Communication No. 22-324\)](#)

47. [Rental](#) of Crafcro wide crack sealer (\$18,000) and purchase of sealant material (\$89,250) from Logan Contractors Supply (Bruce Logan, President) for use by the Public Works Department, total \$107,250.

[\(Council Communication No. 22-321\)](#)

48. [Authorizing](#) Finance Director to draw checks on registers for the weeks of July 18, 25 and August 1, 2022; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of July 18, 25 and August 1, 2022; to draw checks for biweekly payroll due July 29, 2022.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 49 THRU 62)

49. On vacation of City alley right-of-way located south of and adjoining 2512 Woodland Avenue and conveyance to Kelly Garner, \$75.
- (A) First consideration of ordinance above.
50. On vacation of portions of East Walnut Street right-of-way adjoining 317 E. 6th 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 HOA EVMF, LLC for \$1,872.
- (A) First consideration of ordinance above.
51. To correct the vacation of parkland adjacent to the northeast corner of Waveland Golf Course located south of and adjoining University Avenue.
- (A) First consideration of ordinance above.
52. On conveyance of excess City-owned property at 2754 Payne Road to David Drustrup and Nidia Castillo Vazquez, \$25,000.
53. On request from Hubbell Realty Company (Steve Moseley, Officer) for property located in the vicinity of 800 Murphy Street to rezone the property from “P1” Public, Civic, and Institutional District to “DXR” Downtown District to allow development of townhomes.
- (A) First consideration of ordinance above.
54. On request from QuikTrip Corp. (Jason Acord, Officer) for property located in the vicinity of 1200 Keosauqua Way to rezone the property from “MX2” Mixed-Use District and “MX3” Mixed-Use District to “DXR” Downtown District to allow development of townhomes.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Michael Derkenne, Member), requires six votes.

55. On request from Forget Properties II, LLC (Norm Forget, Officer) for property located at 4230 Fleur Drive to rezone the property from “MX2” Mixed-Use District to “MX3” Mixed Use District to allow development of a drive-through for a restaurant use.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
56. On request from 4021 Properties, LLC (Jenny Smith, Officer) for property located at 4019 and 4021 Ingersoll Avenue to amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Medium Density Residential to Community Mixed-Use, and to rezone the property from “NX2” Neighborhood Mix District to “RX2” Mixed-Use District to allow a 2-story building addition for expansion of office use and to continue to August 8, 2022 at 5:00 PM.
- ~~(A) First consideration of ordinance above.~~
- ~~(B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.~~
57. On request from Fur Generation, LLC (Abdelaziz Abdelkarim, Officer) for property located in the vicinity of 2711 & 2713 Martin Luther King, Jr. Parkway, to amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Community Mixed Use to Industrial Use, and to rezone the property from “MX3” Mixed Use District to “I2” Industrial District to allow the use of the property as an auto recycling/junk and salvage yard business. **Plan and Zoning Commission recommends DENIAL. (Choose one alternative A or B)**
- (A) Deny.
- OR**
- (B) Continue the hearing until August 8, 2022 and direct the Legal Department to prepare appropriate legislation to rezone. (Requires six votes)
58. On request from Stoney Pointe Car Wash, LLC (Lloyd D. Linn, Officer) for review and approval of a 2nd amendment to the Stoney Pointe PUD Conceptual Plan, on property located at 5901 SE 14th Street, to allow a Restaurant with a drive through use.
59. On the proposition to authorize lease purchase agreements in the principal amount not to exceed \$125,000 for the purpose of acquiring certain items of equipment consisting of two Nissan Leaf SUV electric vehicles and one mid-size SUV vehicle.
60. On request from Wade Investments, LLC for a Certificate of Appropriateness for Norden Hall at 425 E. Grand Avenue.

61. On the proposed Urban Renewal Plan for the East Army Post Road Urban Renewal Area.

([Council Communication No. 22-347](#))

(A) Resolution of Necessity.

62. On Tower Park Futsal Court: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Berkey Homebuilders, Inc. d/b/a Concrete Professionals (Eric Berkey, President), \$184,737.25

([Council Communication No. 22-337](#))

(A) Approval of contract and bond and permission to sublet.

END HEARINGS AT _____PM

ORDINANCES – 2ND CONSIDERATION

63. Rezone 1210 and 1220 Army Post Road from Limited “MX3” Mixed Use District to Limited “MX3” Mixed Use District (continued from June 27th meeting).

ORDINANCES – 1ST CONSIDERATION

64. Amending Section 98-55, relating to charges for solid waste collection service and fee reduction for renters participating in the State of Iowa Rent Reimbursement program.

(A) Final consideration of ordinance above (waiver requested by Jonathan Gano, Public Works Department Director), requires six votes.

([Council Communication No. 22-340](#))

65. Amending Chapter 118, Article III of the Municipal Code relating to the regulation of industrial wastewater and commercial wastewater.

([Council Communication No. 22-326](#))

(A) Final consideration of ordinance above (waiver requested by Jonathan Gano, Public Works Director), requires six votes.

(B) Amending Schedule of Administrative Penalties regulating hauled waste and regulating fat, oil and grease discharge by food service establishments.

APPROVING II

66. [Appointment](#) of Laura Baumgartner as City Clerk.

COMMUNICATIONS/REPORTS

67. [Requests](#) to speak as follows:

- (A) Jolene Prescott
- (B) Adam Callanan
- (C) Taylor Webber
- (D) Bridget Botkin
- (E) Sam Davis
- (F) Veola Perry
- (G) Laural Clinton

EXTRA ITEM

1. [Directing](#) City Attorney to research and provide Council confidential advice regarding the legal ability of the City to regulate certain home-based sales. Sponsors: Mayor Cownie and Council Member Mandelbaum.

MOTION TO ADJOURN.

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