

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

**February 10, 2020
4:30 PM**

I. CLOSED SESSION – 3:30 PM, Lower Level Conference Room 1

- (A) Roll Call.
- (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.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

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SPECIAL PRESENTATION – 4:15 PM

From Metro Advisory Council to Chris Coleman

PROCLAMATIONS – 4:15 PM

Black History Month

Des Moines Arts in Education Day

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 37:

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

LICENSES AND PERMITS

4. [Approving](#) Alcoholic Beverage License Applications for the following:

RENEWAL APPLICATIONS

(A)	CASEYS #3518 *(1)	1907 ARMY POST RD	E Liquor
(B)	COONEYS TAVERN	3708 BEAVER AVE	C Liquor
(C)	GIT N GO STORE #23	2930 HICKMAN RD	C Beer
(D)	IN & OUT MARKET	1829 6TH AVE	C Beer
(E)	MICHAELS PIZZA	2629 BEAVER AVE	C Beer/Wine
(F)	TOBACCO OUTLET #503 *(1)	400 EUCLID AVENUE	C Beer

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

- (A) [2020](#) Traffic Signal Replacement Contract 1: Receiving of bids, (2-25-20), Setting date of hearing, (3-23-20). Engineer's estimate, \$800,000.

[\(Council Communication No. 20-055\)](#)

- (B) [M. L.](#) King Jr. Parkway Rehabilitation from Hickman Road to Euclid Avenue: Receiving of bids, (2-25-20), Setting date of hearing, (3-23-20). Engineer's estimate, \$1,700,000.

[\(Council Communication No. 20-059\)](#)

- (C) [2020](#) Sidewalk Replacement Program: Receiving of bids, (2-25-20), Setting date of hearing, (3-23-20). Engineer's estimate, \$500,000.

[\(Council Communication No. 20-054\)](#)

- (D) [Public](#) Works Salt Shed Expansion: Receiving of bids, (2-25-20), Setting date of hearing, (3-9-20). Engineer's estimate, \$1,380,000.

[\(Council Communication No. 20-061\)](#)

6. [Approving](#) exception to the request for proposal process for good cause and approving a Professional Services Agreement with RDG IA Inc. d/b/a RDG Planning & Design for Drake Park Shelter Renovation, not to exceed \$75,300.

[\(Council Communication No. 20-058\)](#)

7. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
8. Accepting completed construction and approving final payment for the following:
 - (A) [Parks](#) and Trail Storm Water Repair Contract – Category G, RW Excavating Solutions, LC.
 - (B) [Riverview](#) Park Improvements, Synergy Contracting, LLC.
 - (C) [Tower](#) and Sheridan Park Restrooms, Trinity Construction Group, LLC.
 - (D) [Market](#) District Sanitary Sewer, The Underground Company, Ltd.

SPECIAL ASSESSMENTS

9. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2020-02.
10. [Deletion](#) of rental inspection assessment at 3400 Ravina Drive.

LAND/PROPERTY TRANSACTIONS

11. [Approving](#) issuance of a Replacement Quit Claim Deed for vacated alley right-of way west of and adjoining 2206 E. 21st Street to Steve and Dody Osgood.
12. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2019 (299 applications).

[\(Council Communication No. 20-065\)](#)

13. [Authorization](#) to proceed with acquisition of the necessary property interests for the Evergreen Avenue Reconstruction Project.

[\(Council Communication No. 20-060\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Recommendation](#) from Mayor Cownie to reappoint Scott Bents to the Transportation Safety Committee, Seat 1, for a three-year term expiring December 31, 2022.
- 14-I [Recommendation](#) from Mayor Cownie to appoint Joel Aschbrenner to the Water Works Board of Trustees, Seat 5, for the term expiring April 1, 2021.

SETTING DATE OF HEARINGS

15. [On](#) vacation of Fremont Street right-of-way between E. 14th and E. 15th Street, and E. 15th Street right-of-way between Fremont Street and E. University Avenue and conveyance to Des Moines Independent Community School District, (2-24-20).
16. [On](#) correcting the vacation of portions of E. 4th Street, Des Moines Street and E. 5th Street right-of-way adjoining 415 and 421 Des Moines Street, and conveyance of a Corrected Permanent Easement for Subsurface Building Encroachment on City-owned property to 555 E Fourth Parking, LLC, (2-24-20).
17. [On](#) conveyance of excess City-owned property located east of and south of and adjoining 2400 George Flagg Parkway to Groben Wine, LLC d/b/a Jasper Winery for \$53,300, (2-24-20).
18. On approval of a license agreement with Edmundson Art Foundation, Inc. d/b/a The Des Moines Art Center as follows:

[\(Council Communication No. 20-047\)](#)

 - (A) [Display](#) and maintenance of a sculpture and fountain at Hansen Triangle, (2-24-20).
 - (B) [Display](#) and maintenance of a sculpture at Long Look Civic Gardens, (2-24-20).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

19. [Approving](#) payment to Whitfield and Eddy Law for representation of Police Officer Kyle Thies.
20. [Approving](#) payment to Ronald Sowden for a workers' compensation claim.

CITY MANAGER COMMUNICATIONS

21. [Submitting](#) travel and training request for T.M. Franklin Cownie.

([Council Communication No. 20-045](#))

APPROVING

22. [Extension](#) of 28E Agreement with the Neighborhood Development Corporation (NDC).

([Council Communication No. 20-064](#))

23. [Amendment](#) to the Neighborhood Recognition Policy.

([Council Communication No. 20-048](#))

24. [City](#) initiation for rezoning of property at 1420 Mulberry Street from “P2” Public, Civic and Institutional District to “DX2” Downtown District. (Property is owned by Central Iowa Shelter and Services.)

25. [Receipt](#) of letter from the Greater Des Moines Public Art Foundation regarding an upcoming project for art on DART bus shelters along the Sixth Avenue Corridor.

26. [Amending](#) the Policy for Special Parking Permits in Conjunction with Street Use Events.

27. [Submission](#) of an application to the Iowa Department of Transportation (IDOT) for Volkswagen Settlement Environmental Mitigation Trust Grant and, in partnership with the National Biodiesel Foundation for Diesel Emissions Reduction Act (DERA) National Grants Program for City fleet vehicle and equipment replacements.

([Council Communication No. 20-051](#))

28. [Payment](#) to Greater Des Moines Baseball Co. for installation of protective netting at Principal Park.

([Council Communication No. 20-046](#))

29. [Grant](#) to Des Moines Skywalk Association for implementation of enhanced safety and security, \$25,000.

([Council Communication No. 20-063](#))

30. [Supporting](#) the Des Moines Public Schools legislative priorities and authorizing the Mayor's acknowledgement of such support.
31. [Request](#) from Downtown Community Alliance, on behalf of Meredith Corporation, for approval of up to seven (7) banners to be displayed on seven (7) poles in downtown Des Moines between 15th and 18th Street beginning March 20, 2020.
32. Abatement of public nuisances at the following:
- (A) [3720](#) ML King Jr. Pkwy.
 - (B) [110](#) E. 15th Street.
 - (C) [1624](#) Carpenter Avenue.
 - (D) [709](#) E. Euclid Avenue.
 - (E) [1720](#) 7th Street.
 - (F) [4131](#) Amherst Street.
33. Communication of fire escrow for the following:
- (A) [4001](#) E. 32nd Street.
 - (B) [1107](#) Arthur Avenue.
34. Approving purchases from the following:
- (A) [Capital](#) City Equipment Co. (Mark Kruse, President) for five (5) replacement equipment trailers per Sourcewell Cooperative Contract for use by various City Departments, \$55,039.48.

[\(Council Communication No. 20-052\)](#)
 - (B) [Keltex](#) Inc. (Kelly Milligan, Owner and President) for various emergency vehicle equipment per State of Iowa Master Agreement, for use by the Police Department, \$176,156.59.

[\(Council Communication No. 20-050\)](#)

- 35. [Civil](#) Service entrance lists for Customer Service Representative, Public Works Operations Manager, Construction Inspections Supervisor, Parks & Recreation Supervisor and Public Works Customer Service Representative.
- 36. [Authorizing](#) Finance Director to draw checks on registers for the weeks of February 10 and 17, 2020; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 10 and 17, 2020; and to draw checks for biweekly payroll due February 14, 2020.

ORDINANCES - SECOND CONSIDERATION

- 37. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes on Proposed parking restriction - E. Pleasant View Drive between South Union Street and SE 5th Street.

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

ORDINANCES - FIRST CONSIDERATION

- 38. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

[\(Council Communication No. 20-057\)](#)

- (A) Code modifications related to the Gray’s Station Plat 2 development.
- (B) Code modifications to match field conditions on 10th Street between Walnut and Mulberry Street.
- (C) Parking restrictions on 8th Street between Pleasant Street and Park Street.
- 39. [Amending](#) Section 38-84.01, relating to administrative penalties for false fire alarms.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the Fire Chief), requires six votes.
- 40. [Amending](#) Sections 46-1, 46-5, 46-61, 46-62, 46-63, 46-65, 46-67, 46-68, 46-70, 46-279, 46-457, 46-469, 46-485, 46-487, 46-498, 46-510, 46-556, 46-581, and 46-582, by repealing Section 46-458, 46-484, and 46-486, and by adding and enacting new Sections

46-71, 46-72, 46-73, 46-441, 46-488, 46-489, 46-490, 46-522, 46-523, 46-584, 46-585 and 46-586, relating to fire prevention and protection.

[\(Council Communication No. 20-049\)](#)

(A) [Final](#) consideration of ordinance above (waiver requested by the Fire Chief), requires six votes.

40-I [Amending](#) Chapter 26 of the Municipal Code by repealing and replacing Article II, Energy Code relating to the adoption of the 2018 edition of the State of Iowa Energy Code.

[\(Council Communication No. 20-049\)](#)

(A) [Final](#) consideration of ordinance above (waiver requested by Cody Christensen, Permit and Development Administrator), requires six votes.

41. [Amending](#) Sections 26-136, 26-138, 26-142, 26-150, and by repealing and replacing Article III. Building Code of Chapter 26, Buildings and Building Regulations, relating to adopting the 2018 editions of the International Building Code; International Residential Code and International Existing Building Code.

[\(Council Communication No. 20-049\)](#)

(A) [Final](#) consideration of ordinance above (waiver requested by Cody Christensen, Permit and Development Administrator), requires six votes.

41-I [Amending](#) Section 2-5 of the Municipal Code relating to elections.

APPROVING

42. [Naming](#) of community room in Martin Luther King, Jr. Enclosed Shelter as the Odell Jenkins Community Room.

43. Collective bargaining agreements with the following:

(A) [AFSCME](#), Council 61 and its Affiliated Local 3673 for the period of July 1, 2020 through June 30, 2025.

[\(Council Communication No. 20-043\)](#)

- (B) [Municipal](#) Employees Association (MEA) for the period of July 1, 2020 through June 30, 2023.

[\(Council Communication No. 20-044\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 44 THRU 51)

- 44. Items regarding property at the 2530 University Avenue and 1157, 1159 and 1161 26th Street (ND Drake Multifamily, LLC, Michael Nelson, Officer).
 - (A) [Hearing](#) to amend the PlanDSM: Creating our Tomorrow Plan future land use designation and rezone from “MX1” Mixed Used District and “N5” Neighborhood District to “MX2” Mixed Use District to allow for a 4-story mixed-use building with 136 household units and 6,000 square feet of ground floor retail/office use.
 - (B) [First](#) consideration of ordinance above.
 - (C) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

- 45. Items regarding property located at 905 and 909 E. 27th Street and 916 and 917 E. 27th Court (Jeff and Tonya Nicholson d/b/a P&P Small Engines).
 - (A) [Hearing](#) to amend the PlanDSM: Creating Our Tomorrow Plan future land use and rezone the property from “N3c” Neighborhood to a Limited “MX3” Mixed Used District to bring existing properties used for small engine sales and service business into conformance with zoning regulations.
 - (B) [First](#) consideration of the ordinance above.
 - (C) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

- 46. [On](#) request from Lucky Gal I, Inc. (Chris Pruisner, Officer) to rezone 3104 SW 9th Street from “RX1” Mixed Use District to Limited “MX1” Mixed Use District to allow use of the building for an amusement arcade (Sports and Recreation, Private/Participant - Indoor) use.
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance (waiver requested by the applicant), requires six votes.

47. [On](#) proposed amendments to the approved Zoning Ordinance in Chapter 134 of the City Code relating to non-conforming uses, separation distance requirements for Eating and Drinking Places – Bars uses in a “MX2” Mixed Use District, and regarding proposed amendments to the approved Zoning Map relating to portions of Legacy PUD Districts that are erroneously shown as Flood Districts.
- (A) [First](#) consideration of ordinance regarding amendment to Sections 134-7.1.4 and 134-7.2.5, and Table 134-3.1-2, relating to repairs and maintenance and damage or destruction of nonconforming one-household and two-household uses, and to separation requirements for bar uses.
- (B) [First](#) consideration of ordinance regarding amendment to the Official Zoning Map.
48. [Establishing](#) the total maximum property tax dollars certified for levy for the fiscal year ending June 30, 2021, requires five votes for passage.
49. [On](#) 3226 University Avenue HVAC Replacement: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Central Iowa Mechanical Company (Larry D. Goode, Jr, President), \$441,000.
- [\(Council Communication No. 20-056\)](#)
- (A) [Approving](#) contract and bond and permission to sublet.
50. [On](#) Bell Avenue Reconstruction from South Union Street to SW 9th Street: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving (Kevin Bragg, President), \$1,426,655.20.
- [\(Council Communication No. 20-053\)](#)
- (A) [Approving](#) contract and bond and permission to sublet.

51. [On](#) Weeks Middle School Park Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as GTG Construction, LLC (Tracy D. Grasso, Owner/Managing Partner), \$691,424.55.

[\(Council Communication No. 20-062\)](#)

- (A) [Approving](#) contract and bond and permission to sublet.

END HEARINGS AT _____ PM

MOTION TO ADJOURN.

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