

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

**March 9, 2020**  
**4:30 PM**

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:

**NEW APPLICATIONS**

(A)	DOLLAR GENERAL #21816	604 LOCUST ST	C Beer
(B)	GOPUFF	1510 OHIO ST	C Beer
(C)	LEGION SKYLINE	1511 S UNION ST	B Beer
(D)	MARIAS MEXICAN	5405 DOUGLAS AVE	B Beer

**RENEWAL APPLICATIONS**

(E)	1717 BREWING COMPANY	322 E COURT AVE	B Beer
(F)	BUZZARD BILLYS	615 3RD ST	C Liquor
(G)	DLS SPORTS BAR & GRILL *(1)	2718 DOUGLAS AVE	C Liquor
(H)	DOLLAR GENERAL #13292	3102 MERLE HAY RD	C Beer
(I)	DOLLAR GENERAL #313	2570 HUBBELL AVE	C Beer
(J)	DOLLAR GENERAL #4554	1020 E ARMY POST	C Beer
(K)	DOLLAR GENERAL #4991	3223 SE 14TH ST	C Beer
(L)	DOLLAR GENERAL #6077	221 SW 63RD ST	C Beer
(M)	DOLLAR GENERAL #6725	1428 E OVID AVE	C Beer
(N)	DOLLAR GENERAL #6735	2650 INGERSOLL	C Beer
(O)	EL POLLO CATRACHO	4100 SE 14TH ST	C Liquor
(P)	FAT TUESDAY	6112 SW 9TH ST	C Liquor
(Q)	FRANCIES	2100 WAKONDA VIEW	C Liquor

- (R) GRANDVIEW GOLF COURSE 2401 E 29TH ST C Liquor
- (S) HY VEE WINE & SPIRITS 2310 HUBBELL AVE E Liquor
- (T) IOWA BEEF STEAK HOUSE 1201 E EUCLID AVE C Liquor
- (U) MALO RESTAURANT 900 MULBERRY ST C Liquor
- (V) MCCUENS PUB 2565 WEDGEWOOD C Liquor
- (W) RICCELLIS SUPPER CLUB 3803 INDIANOLA C Liquor
- ~~(X) SEAFOOD TRAP 1552 E GRAND AVE B Beer~~
- (Y) TACOS LA FAMILIA 1610 6TH AVENUE C Liquor

**TRANSFER TO NEW LOCATION**

- (Z) ELWELL FAMILY FOOD 3000 E GRAND AVE C Liquor  
Temporary to the cattle barn for an event on March 19 – 21, 2020.

**OUTDOOR SERVICE**

- (AA) MULLETS 1300 SE 1ST ST C Liquor  
Temporary for St. Patrick’s Day on Marach 17, 2020.

**SPECIAL EVENT APPLICATIONS**

- (BB) ANNIES IRISH PUB 311 COURT AVE Five (5) Day License  
Class C Liquor License for St. Patrick’s Day Street Party on March 17, 2020.
- (CC) DSM BOOK FESTIVAL 400 LOCUST ST Five (5) Day License  
Class C Liquor License for festival on March 27 – 28, 2020. Pending approval of Zoning Department.
- (DD) EVENTWORX 450 13TH ST (BEER TENT) Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Friendly Sons of St. Patrick Pre-party on March 17, 2020. Pending approval of Zoning Department.
- (EE) IOWA CRAFT BEER TENT 313 WALNUT ST C Liquor  
Fourteen day Class C Liquor License for Hoops and Hops on March 17 – 20, 2020.

- 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

## **PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:

- (A) [E.](#) Grand Avenue Curb Bump-outs from Robert D Ray Drive to Pennsylvania Avenue, Receiving bids (3-24-20) and Setting date of hearing (4-20-20). Engineer's estimate - \$1,326,000.

[\(Council Communication No. 20-108\)](#)

- (B) [2020](#) HMA Residential Paving Program Contract 1, Receiving bids (3-24-20), and Setting date of hearing (4-20-20). Engineer's estimate - \$2,252,252.

[\(Council Communication No. 20-111\)](#)

- (C) [Drake](#) and Bates Parks Water Playgrounds. Receiving bids (3-24-20) and Setting date of hearing (4-6-20). Engineer's estimate - \$1,234,000.

[\(Council Communication No. 20-112\)](#)

- (D) [2020](#) Parking Garage Repair Program. Receiving bids, (4-7-20), Setting date of hearing (5-4-20). Engineer's estimate - \$915,000.

[\(Council Communication No. 20-107\)](#)

7. [Approving](#) and authorizing the execution of the Iowa Department of Transportation (IDOT) Agreement for the Indianola Avenue Reconstruction Project: East Army Post Road to US 69.

[\(Council Communication No. 20-103\)](#)

8. [Approving](#) Supplemental Agreement No. 2 to the Professional Agreement with Veenstra and Kimm, Inc. for additional construction phase services for Market District Sanitary Sewer Improvements, not to exceed \$174,158.

[\(Council Communication No. 20-115\)](#)

8-I Approving the following three Supplemental Agreements to the Professional Services Agreements (PSA) related to the Des Moines Levee Alterations – Phase A, B, and C:

[\(Council Communication No. 20-118\)](#)

- (A) [Supplemental](#) Agreement No. 1 to the PSA with Stantec Consulting Services Inc. for additional design services for Des Moines Levee Alterations – Phase A, not to exceed \$312,800.
  - (B) [Supplemental](#) Agreement No. 1 to the PSA with Stantec Consulting Services Inc. for additional design services for Des Moines Levee Alterations – Phase B, not to exceed \$210,600.
  - (C) [Supplemental](#) Agreement No. 2 to the PSA with Barr Engineering Company for additional design services for Des Moines Levee Alterations – Phase C, not to exceed \$341,354.
9. [Approving](#) an exception to the City’s Request for Proposal process for good cause and approving Professional Services Agreement with Kirkham Michael & Associates, Inc. for construction services for SE 9<sup>th</sup> Street Storm Water Pump Station and Improvements not to exceed \$400,000.

[\(Council Communication No. 20-102\)](#)

10. [Approving](#) an exception to the City’s Request for Proposal process for good cause and approving Professional Services Agreement with Stantec Consulting Services, Inc. for Levee Certification Services for Des Moines Levee Alterations Programmatic Support Phase A-H, not to exceed \$588,800.

[\(Council Communication No. 20-110\)](#)

11. Approving Private Construction Contracts between the following:
- (A) [Valley](#) Plbg. Co. Inc. d/b/a Rhiners Plumbing Co. Inc. and Grandview Gardens, LLC for Sanitary Sewer Improvements in Busco Addition.
  - (B) [Baker](#) Electric, Inc. and 5<sup>th</sup> and Walnut Parking, LLC for Traffic Signal Improvements in 420 Walnut Street.
12. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

13. Accepting completed construction and approving final payment for the following:
  - (A) [County](#) Line Road Culvert Replacement, Peterson Contractors, Inc.
  - (B) [2<sup>nd</sup>](#) Avenue and 3<sup>rd</sup> Street at Walnut Street Traffic Signal Replacements, TK Concrete, Inc.
  - (C) [4144](#) Hubbell Avenue Demolition, D.W. Zinser Company.

#### **SPECIAL ASSESSMENTS**

14. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2020-03.
15. [Deletion](#) of rental inspection assessment at 4716 Hickman Road.

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

16. [Recommendation](#) from the Urban Design Review Board to appoint Michelle Huggins to Seat 2, for the term expiring June 30, 2022, and Laura Smidt to Seat 4, for the term expiring March 31, 2020 on the Skywalk Committee.
- 16-I [Recommendation](#) by City Council to appoint Council Member Carl Voss as an alternate to the Metropolitan Planning Organization (MPO) Policy Committee for the remainder of the calendar year.

#### **COMMUNICATIONS FROM PLANNING AND ZONING**

17. [Regarding](#) request from Employers Mutual Casualty Company (Cindy McCauley, Officer) for vacation of segments of right-of-way adjoining 655 Walnut Street.
18. [Regarding](#) request from Neighborhood Development Corporation (Abbey Gilroy, Officer) for vacation of segments of right-of-way adjoining at 2331 University Avenue.

#### **SETTING DATE OF HEARINGS**

19. [On](#) request from Iowa Homeless Youth Centers (Toby O'Berry, Officer) to amend the PlanDSM: Creating Our Tomorrow Future Land Use Map Designation and to rezone properties located at 2705 E. Euclid Avenue from "N3a" Residential District to "RX1" Mixed Use District to allow development of the property for a business/trade school use and offices for youth training, (3-23-20).

20. [On](#) request from White Willow Events (Taylor Boesen, Officer) to amend the PlanDSM: Creating Our Tomorrow Future Land Use Map Designation and to rezone properties located at 6011 and 6015 Grand Avenue from “RX1” Mixed Use District to “MX1” Mixed Use District to allow demolition of the existing buildings and redevelopment with a 2-story, 7,000-square foot building for an assembly and entertainment small use (events center), (3-23-20).
21. [On](#) City-initiated request to amend the PlanDSM: Creating Our Tomorrow Future Land Use Designation to rezone property in the vicinity of 200 SE 15th Street, 350 SE 18<sup>th</sup> Street and 302 SE 18th Street from “DX2” Downtown District, west of the SE 14th Street viaduct, to “I1” Industrial District, and from “I1” and “I1-V” Industrial Districts, east of the SE 14th Street viaduct, to “I2” Industrial District, and to approve a large-scale development plan for a proposed multi-modal transloading facility, (3-23-20).
22. [On](#) request from ILEX Group, LLC (Ben Schultes, Officer) to amend the PlanDSM Creating Our Tomorrow Future Land Use Map Designation and to approve the First Amendment to the Northridge PUD Conceptual Plan in the vicinity of 4600 and 4700 E. 14<sup>th</sup> Street to revise the development from a regional shopping mall to a warehouse and distribution center with 1,050,260 square feet of warehouse building use, (3-23-20).
23. [On](#) request from Des Moines Cold Storage Company, Inc. (C.J. Morton, Officer) for approval of PUD Final Development Plan for “Phase 1A of Des Moines Cold Storage” at 3805 Vandalia Road, (3-23-20).
24. On items regarding the budget, (3-23-20):

[\(Council Communication No. 20-119\)](#)

- (A) [On](#) consideration of the recommended Capital Improvement Program (CIP) for fiscal years 2020-21 through 2025-2026.
- (B) [On](#) amendment to the annual budget for current fiscal year ending June 30, 2020.
- (C) [On](#) proposed annual budget for the fiscal year ending June 30, 2021.

**CITY MANAGER COMMUNICATIONS**

25. [Submitting](#) travel and training request for William Perez.

[\(Council Communication No. 20-101\)](#)

## APPROVING

26. ~~Urban~~ Renewal Development Agreement with ~~Bridge District Level, LLC, Bridge District II Townhomes, LLC and Bridge District II, LLC~~ for the new construction of a 5-story, 114-unit multi-family housing project and 25-unit rowhome project in the 300 block of Maple Street.

~~([Council Communication No. 20-120](#))~~

27. [Collateral](#) Assignment of Urban Renewal Development Agreement with Jarcor, LLC.

28. [Second](#) Amendment to Economic Development Agreement with Street Collective f/k/a Des Moines Bicycle Collective related to maintenance and expansion of the B-Cycle Program.

([Council Communication No. 20-124](#))

29. [Authorizing](#) and approving the Des Moines Metropolitan Area Solid Waste Agency d/b/a Metro Waste Authority (MWA) to enter into a loan agreement and providing for the issuance and securing the payment of a Material Recovery Facility Solid Waste Disposal Revenue Note, Series 2020, in a principal amount not to exceed \$24,500,000, refund current outstanding indebtedness and maintain outstanding indebtedness in an aggregate principal amount not to exceed, \$50,000,000.

([Council Communication No. 20-123](#))

30. [Amended](#) Parking Meter Rate and Time Zone I.

31. Abatement of public nuisances at the following:

- (A) [704](#) E. Hughes Avenue.
- (B) [2436](#) Lyon Street.
- (C) [325](#) Leach Avenue.
- (D) [1109](#) E. Sheridan Avenue.
- (E) [1329](#) E. Oak Park Avenue.
- (F) [3814](#) 2<sup>nd</sup> Avenue.
- (G) [1500](#) E. Court Avenue.

- (H) Number not used.
- (I) [2345](#) E. 11<sup>th</sup> Street.
- (J) [1112](#) Oak Park Avenue.
- (K) [2507](#) E. 16<sup>th</sup> Street.
- (L) [245](#) E. Edison Avenue.
- (M) [4617](#) SE 5<sup>th</sup> Street.

32. Receipt of communication of fire escrow for the following:

- (A) [3115](#) South Union Street.
- (B) [1406](#) Carrie Avenue.

33. Purchases from the following:

- (A) [Baker](#) Group (Jeffrey F. Caughron, President & CEO) for purchase and installation of Security Access Control Equipment for City Hall per State of Iowa Contract for use by the Facilities Division, \$134,205.

[\(Council Communication No. 20-121\)](#)

- (B) [Perficut](#) Companies, Inc. (Matt Boelman, President) for landscaping services for Long Look Garden and the south side of City Hall for use by the Parks and Recreation Department, \$79,601.50. (Thirty-five (35) potential bidders, seven (7) responding).
- (C) [Clarke](#) Mosquito Control Products (Lyell Clarke III, President) for mosquito control and application services for use by the Community Development Department, estimated annual cost \$75,000. (Ten (10) potential bidders, five (5) bids received containing various options from three (3) bidders).
- (D) [Heartland](#) Business Systems (Peter Helander, CEO) for Cisco network hardware per State of Iowa Contract for use by the Information Technology Department, \$70,840.79

[\(Council Communication No. 20-100\)](#)

34. [Civil](#) Service Entrance lists for Senior Traffic Device Maintenance Worker and Traffic Maintenance Chief.



35. [Authorizing](#) Finance Director to draw checks on registers for the weeks of March 9 and 16, 2020; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 9 and 16, 2020; and to draw checks for biweekly payroll due March 13, 2020.
  
36. [Communications](#) from Downtown Community Alliance requesting approval of banner designs in downtown Des Moines on behalf of the following groups:
  - (A) Iowa State University for up to 20 banners on 10 poles beginning April.
  - (B) Des Moines Farmers’ Market for up to 40 banners on 40 poles beginning April.
  - (C) Iowa State Fair for up to 68 banners on 34 poles beginning July.

**ORDINANCES - FINAL CONSIDERATION**

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

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

**ORDINANCES - FIRST CONSIDERATION**

38. [Amending](#) by repealing paragraph (a) of Section 58-30 thereof and enacting a new paragraph (a) to Section 58-30 regarding required qualifications for appointment as an at-large member of the Historic Preservation Commission.

[\(Council Communication No. 20-122\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Council Member Linda Westergaard), requires six votes.
  
- (B) [Recommendation](#) from Council Member Westergaard to appoint Tiffany Allison to the Historic Preservation Commission for a three-year term ending October 18, 2022.

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

[\(Council Communication No. 20-116\)](#)

- (A) Code correction to match field conditions – Holcomb Avenue between 6<sup>th</sup> Avenue and the dead end.
  - (B) Code revisions related to the Hubbell Avenue Reconstruction Project – E. 38<sup>th</sup> Street, E. Douglas Avenue, Kennedy Drive and Hubbell Avenue.
  - (C) Code corrections related to speed limit and parking changes on park roads.
40. [Amending](#) Section 62-1 and 62-166 relating to prohibitive municipal practices.
- (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.
  - (B) [Directing](#) the City Manager to develop a request for proposals to determine best practices for research and data collection methods concerning law and code enforcement and to authorize implementation of such research and data collection.
  - (C) [Directing](#) the City Manager to include implicit bias training, de-escalation training and cultural competency training in the employee training and education.

#### **COMMUNICATIONS/REPORTS**

41. [From](#) Annie Baldwin, 206 3<sup>rd</sup> Street, to speak regarding downtown/entertainment district sound permits.
42. [Iowa](#) Code Section 372.15 hearing requested by Mr. David Carlson.

#### **HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 43 THRU 53)**

43. [On](#) conveyance of vacated alley right-of-way adjoining 909 SE 9<sup>th</sup> Street and adjoining 904 SE 10<sup>th</sup> Street to GNS Investments, LC for \$125.00.

44. [On](#) request from Christian Printers, Inc. (Bryan Goos, Vice President) to amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation and rezone 1415 21<sup>st</sup> Street from “N-5” Neighborhood to Limited “RX-1” Mixed Use to conform to the commercial service, consumer maintenance and repair use (printing business) to the south and allow a potential expansion of the existing printing business or development for assembly use.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Bryan Goos, Vice-President), requires six votes.
45. [On](#) request from Newbury Living (Frank Levy, President) to rezone 3801, 3721, 3707 and 3705 Grand Avenue and 3810 Ingersoll Avenue from “R-4” Multiple Family Residential and “NPC” Neighborhood Pedestrian Commercial to “PUD” Planned Unit Development and approve the PUD Conceptual Plan to allow for development of a 4-story, 57-unit multi-household independent senior living apartment building, in addition to an existing 4-story, 35-unit independent senior living apartment building, an existing 3-story, 56-unit assisted living apartment building, and an existing 2-story, 5,720 square foot office building.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Frank Levy, President), requires six votes.
46. [On](#) proposed amendment to the Citywide Zoning Map for properties at 600 and 610 E. 30th Street, 2944 Des Moines Street and Polk County District/Parcel No. 050/04387-000-000 to be shown as “MX3” Mixed Use that are erroneously shown as “MX1” Mixed Use to accommodate expansion and redevelopment of the portions of the existing Greater Iowa Credit Union.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the Community Development Director), requires six votes.
47. [On](#) the Fourth Amendment to the Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area.

[\(Council Communication No. 20-106\)](#)

48. [On](#) 2020 ADA Sidewalk Ramp Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as Westward Properties, LLC (Logan Helton, Managing Member), \$288,795

[\(Council Communication No. 20-104\)](#)

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

49. [On](#) Des Moines River Simon Estes Amphitheater Floodwall Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), \$438,125.

[\(Council Communication No. 20-105\)](#)

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

50. [On](#) Hubbell Avenue Rehabilitation from E. 18<sup>th</sup> to Easton Boulevard: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving (Kevin Bragg, President), \$1,605,743.

[\(Council Communication No. 20-114\)](#)

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

51. [On](#) Public Works Salt Shed Expansion: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsible bidder as A & B Construction Ltd. (Andrew Striegel, President), \$1,123,801.50.

[\(Council Communication No. 20-109\)](#)

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

52. On Near West Side Sewer Separation Phase 4: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, receive and files bids, and designating lowest responsible bidder as Synergy Contracting, LLC, (Jesse Rognes, President), \$8,883,376.20.

(Council Communication No. 20-113)

(A) Approving contract and bond and permission to sublet.

53. On Ingersoll Avenue Streetscape from M.L. King Jr. Parkway to 24<sup>th</sup> Street (north side): Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Jasper Construction Services, Inc. (Cliff Rhoads, President), \$2,637,558.50.

(Council Communication No. 20-117)

(A) Approving contract and bond and permission to sublet.

\*\*\*END HEARINGS AT \_\_\_\_\_ PM\*\*\*

MOTION TO ADJOURN.

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