

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

**March 23, 2020
4:30 PM**

Iowa Code Section 21.4 requires that each Council meeting shall be held at a place reasonably accessible to the public and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impracticable. Given the Governor's prohibition on gatherings of ten or more persons during the COVID19 outbreak and further given Section Nine of the Governor's March 19, 2020 proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, the City Council has determined that a meeting at a physical place is impossible or impracticable and all Council meetings for the time being will be conducted electronically with the public allowed to attend per the instructions on this agenda. Meeting minutes will continue to be provided per the City's normal course of business.

Mayor and Council may be participating by ZOOM meeting due to COVID-19.

The public can participate by using the information below:

Join Zoom Meeting Link:

<https://zoom.us/j/6882254265?pwd=RjRQengxRU1OK3N0YTJpIjBRUUVXZz09>

Meeting ID: 688 225 4265

Password: 542208

Phone Number: +1 312 626 6799

Meeting ID: 688 225 4265

Password: 542208

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 56:

***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)	C5 BAR AND COFFEE	5800 FLEUR DR	C Beer/Wine
(B)	CENTERPLATE	1 LINE DR	C Liquor
(C)	CRAZY HORSE BEER	2331 UNIVERSITY	C Liquor
(D)	DES MOINES SOFTBALL	4980 E 46TH ST	B Beer
(E)	GHOST LOUNGZ & TOPSIDERS	525 E GRAND AVE	C Liquor
(F)	RICOS PUB	2314 UNIVERSITY	C Liquor

RENEWAL APPLICATIONS

(G)	SA PRESENTS	520 ROBERT D RAY	C Beer/Wine
(H)	ALPINE TAP ROOM	2720 INGERSOLL	C Liquor
(I)	BEST TRIP	1516 SE 1ST ST	E Liquor
(J)	BIG DOG BILLIARDS	4510 E 14TH ST	C Liquor
(K)	BLISS NAILS & BAR	208 4TH ST	C Liquor
(L)	CASH SAVER	1320 E EUCLID AVE	E Liquor
(M)	CASH SAVER	4121 FLEUR DR	E Liquor
(N)	CHICAGO SPEAKEASY	1520 EUCLID AVE	C Liquor
(O)	DOWNTOWN PANTRY	218 6TH AVENUE	E Liquor
(P)	EAST END LIQUOR	3804 HUBBELL AVE	E Liquor
(Q)	EATARY/A	2932 INGERSOLL	C Liquor
(R)	GIT N GO STORE #10 *(1)	816 E EUCLID AVE	C Beer
(S)	HARBINGER RESTAURANT	2724 INGERSOLL	C Liquor
(T)	HAWKEYE ELKS LODGE #160	1401 WALKER ST	A Liquor
(U)	HELLO MARJORIE	717 LOCUST ST	C Liquor
(V)	HY VEE FOOD STORE #3	3221 SE 14TH ST	E Liquor
(W)	JETHROS	3100 FOREST AVE	C Liquor
(X)	JOHNNYS ITALIAN	6800 FLEUR DR	B Liquor
(Y)	KUNG FU TAP & TACO	210 INDIANOLA AVE	C Liquor
(Z)	LDS CORNER	344 E JACKSON AVE	C Liquor
(AA)	LEFTYS LIVE MUSIC	2307 UNIVERSITY	C Liquor
(BB)	MANNINGS	2102 INDIANOLA	C Liquor
(CC)	NEW ORIENTAL FOOD STORE	515 E GRAND AVE	C Beer
(DD)	NOAHS ARK	2400 INGERSOLL	C Liquor
(EE)	NUT POB RESTAURANT	3322 INDIANOLA	C Beer/Wine
(FF)	OASIS *(1)	1401 BUCHANAN ST	E Liquor
(GG)	OVATIONS FOOD SERVICES	233 CENTER ST	C Liquor
(HH)	PRICE CHOPPER	4343 MERLE HAY RD	E Liquor
(II)	PRICE CHOPPER	3425 INGERSOLL	E Liquor
(JJ)	PRICE CHOPPER	1819 BEAVER AVE	E Liquor
(KK)	PRICE CHOPPER	4341 MERLE HAY RD	C Beer
(LL)	PRICE CHOPPER	3401 INGERSOLL	C Beer
(MM)	QUIK TRIP #527	614 UNIVERSITY	C Beer

- (NN) SHAGS 216 COURT AVE C Liquor
 (OO) VICTORY LANE 3801 EASTON BLVD C Liquor

OUTDOOR SERVICE APPLICATION

- ~~(PP) PEGGYS TAVERN 3020 FOREST AVE C Liquor
 Temporary in conjunction with Drake Relays on April 22-25, 2020.~~

SPECIAL EVENT APPLICATIONS

- ~~(QQ) DRAKE UNIVERSITY 2682 FOREST AVE Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for Alumni Tent in conjunction with the
 Drake Relays on April 24, 2020.~~

- ~~(RR) DRAKE UNIVERSITY 2505 CARPENTER ST Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for Turner Jazz Concert on April 24,
 2020.~~

- (SS) DRAKE UNIVERSITY 2505 CARPENTER ST Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for Turner Jazz Concert on April 30,
 2020.

- ~~(TT) SALISBURY HOUSE 4025 TONAWANDA DR Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for Murder Mystery Dinner on April
 24, 2020.~~

5. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [2020](#) Downtown Railroad Crossing Improvements: Receiving of bids, (4-7-20) and
 Setting date of hearing, (5-4-20). Engineer’s estimate, \$270,000.

[\(Council Communication No. 20-141\)](#)

- (B) [Easton](#) Boulevard Resurfacing from Hubbell Avenue to E. 33rd Street: Receiving of
 bids, (4-7-20), Setting date of hearing, (5-4-20). Engineer’s estimate, \$650,000.

[\(Council Communication No. 20-148\)](#)

- (C) [E. 29th](#) Street from Easton Boulevard to Euclid Avenue Rehabilitation: Receiving of
 bids, (4-21-20), Setting date of hearing, (5-18-20). Engineer’s estimate, \$750,000
 (Sponsored by Council Member Westergaard).

[\(Council Communication No. 20-154\)](#)

7. [Approving](#) Change Order No. 2 with S.M. Hentges & Sons, Inc. for additional work on Agrimergent Storm Sewer Phase 2, \$151,661.78.

[\(Council Communication No. 20-147\)](#)

8. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
9. Accepting completed construction and approving final payment for the following:
 - (A) [Near](#) West Side Sewer Separation Phase 1, S.J. Louis Construction, Inc.
 - (B) [Near](#) West Side Sewer Separation Phase 2, Jasper Construction Services, Inc.

SPECIAL ASSESSMENTS

10. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2020-03.

LAND/PROPERTY TRANSACTIONS

11. [Receive](#) and file communication from Plan and Zoning Commission regarding request from QSL Development, LLC (John Larson, Officer) for preliminary plat “Woodbury” in the 3401 block of E. 56th Street, to allow division of the property into 84 (eighty-four) lots for one household development, three (3) lots for multi-household development, and outlots for storm water management and/or open space.
12. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2019 (six (6) applications).

[\(Council Communication No. 20-126\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

13. [Recommendation](#) from Council Member Carl Voss to appoint Alexandra Bomhoff to the Access Advisory Board, Seat 3, for the term expiring June 30, 2022.
14. [Recommendation](#) from Council Member Voss to reappoint R. Stephen Vilmain to the Park and Recreation Board, Seat 6, for the four-year term commencing June 30, 2020 and expiring June 30, 2024.
15. [Recommendation](#) from Council Member Voss to reappoint Dave Gaer to the Zoning Board of Adjustment, Seat 3, for the five-year term commencing April 1, 2020 and expiring April 1, 2025.
16. [Communication](#) from Heidi Hamand advising of her resignation from the Housing Services Board, effective immediately.

SETTING DATE OF HEARINGS

17. [On](#) vacation of alley right-of-way and portions of 26th Street and University Avenue right-of-way adjoining 2530 University Avenue and conveyance of certain fee and easement interests to ND Drake Multifamily, LLC; and conveyance of certain fee and easement interests to Lutheran Church of Hope; and permanent easement for public ingress and egress, (4-20-20).
18. [On](#) vacation of segments of SE 15th Street and E. Market Street right-of-way adjoining 200 SE 15th Street, (4-20-20).
19. [On](#) vacation and conveyance of portions of alley and 7th Street right-of-way adjoining 655 Walnut Street, and 7th Street right-of-way adjoining 319 7th Street, 701 Walnut Street and 700 Locust Street to Employers Mutual Casualty Company, (4-20-20).
20. [On](#) vacation and conveyance of segments of 6th Avenue and University Avenue right-of-way for bus shelter encroachment to Des Moines Regional Transit Authority (DART), (4-20-20).
21. [On](#) City-initiated request to rezone property at 1420 Mulberry Street owned by Central Iowa Shelter and Services from “P2” (Public, Civic and Institutional) to “DX2” (Downtown District) to allow expansion of the existing temporary shelter use for additional multiple household living units and area for service provision, (4-20-20).
22. [On](#) request from Living Waters Fellowship (Josh Daggett, Officer) to rezone property at 3161 SE 22nd Street from “P2” (Public, Civic and Institutional) to “RX1” (Mixed Use) to allow for the conversion of the premises to a day care use, (4-20-20).

23. [On](#) publication of notice of hearing to review the anticipated environmental impact of Western Ingersoll Sewer Separation Project, (5-4-20).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. [Approving](#) payment to Scotty's Body Shop and Enterprise Rent-A-Car for the property claim damage of Lyle Hill.
25. [Approving](#) payment to William Swoboda for a civil claim.
26. [Approving](#) retention of outside Counsel to act as guardian ad litem.

APPROVING

27. Allocation of Home Investment Partnership Program (HOME) funds for development of affordable housing to the following:
 - (A) [Home](#) Opportunities Made Easy, Incorporated (HOME, Inc.) using Community Housing Development Organization (CHDO) Set-Aside funds.

[\(Council Communication No. 20-134\)](#)
 - (B) [Greater](#) Des Moines Habitat for Humanity.

[\(Council Communication No. 20-135\)](#)
28. [Reprogramming](#) and carryover of prior years' unspent Community Development Block Grant (CDBG) funding and other funds for the 2020 HUD Consolidated Plan Programs.

[\(Council Communication No. 20-132\)](#)
29. [Youth](#) Homeless Demonstration Program Consolidated Community Plan.

[\(Council Communication No. 20-128\)](#)
30. [First](#) amendment to Urban Renewal Development Agreement with Des Moines Cold Storage Co., Inc. and Crossroads Cold Storage, LLC (C.J. Morton, Officer) and amended conceptual development plan, for a 60,000-square foot addition to the existing warehouse at SE 43rd and Vandalia Road.

[\(Council Communication No. 20-139\)](#)

31. [First](#) amendment to contingent purchase agreement with East Village Green, LLC for property at 306 SE 5th Street.

[\(Council Communication No. 20-136\)](#)

32. [Preliminary](#) terms of an Urban Renewal Development Agreement with Reagan House, LLC (Tim Rypma, Paul Cownie and Jeremy Cortright) for the historic renovation of three multi-family apartment buildings at 2801 Grand Avenue.

[\(Council Communication No. 20-138\)](#)

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

[\(Council Communication No. 20-143\)](#)

34. [Development](#) Agreement with 111 Jefferson Ave, LLC (T. Michael Price, Managing Member) for redevelopment of 111 Jefferson Avenue and approving proposed conceptual development plan.

[\(Council Communication No. 20-140\)](#)

- (A) [Approving](#) advance of funds to the Central Place Industrial Park Urban Renewal Project for payment to 111 Jefferson Ave, LLC.

35. [2019](#) Certified Local Government (CLG) Annual Report and authorization for Mayor's signature for submittal to the Iowa Department of Cultural Affairs.

36. [Ratification](#) of Land and Water Conservation Fund Grant Application.

[\(Council Communication No. 20-131\)](#)

37. [Application](#) to the United States Department of Agriculture (USDA) for an Emergency Watershed Protection Program grant.

38. Items regarding Intergovernmental Transfer (IGT) of Public Funds Agreement with the Iowa Department of Human Services (IDHS):
- (A) [Transfer](#) of funds.

[\(Council Communication No. 20-142\)](#)
 - (B) [Agreement](#) for July 1, 2020 through June 30, 2021.

[\(Council Communication No. 20-127\)](#)
39. [COPS](#) Heroin Grant award by the Office of Drug Control Policy to reimburse overtime in support of targeted drug enforcement, \$7,777.

[\(Council Communication No. 20-130\)](#)
40. [Use](#) of various City facilities as poll sites for the Primary Election on Tuesday, June 2, 2020.
41. [Loan](#) Agreement Extension with U.S. Navy for public display of USS Des Moines model.
42. Abatement of public nuisances at the following:
- (A) [1410](#) 19th Street (Main and Accessory Structures).
 - (B) [1323](#) 5th Avenue (Garage).
 - (C) [1615](#) 24th Place (Main Structure).
 - (D) [1426](#) Wayne Street (Garage).
 - (E) [1500](#) E. Fleming (Garage).
 - (F) [1446](#) 8th Street (Main and Garage Structure).
 - (G) [3121](#) Merle Hay Road (Main Structure).
 - (H) [3845](#) 30th Street (Main Structure).
43. [Civil](#) Service Entrance lists for Civil Engineer I, Legal Secretary, Facilities Project Manager, Economic Development Project Manager and Civil Engineer II.

- 44. [Extension](#) of custodial services contracts with Marsden Services, LLC (Richard M. Catchman, Chief Sales Officer) for Municipal Buildings and Reliable Maintenance (Keith McKay, Vice President) for Parks Buildings.

[\(Council Communication No. 20-152\)](#)

- 45. [Preliminary](#) terms of an Urban Renewal Development Agreement with Lawmark, LP (Mark Buleziuk, Developer) for renovation of the Financial Center Building located at 207 7th Street converting floors 1-13 to a full service, 190-room hotel.

[\(Council Communication No. 20-153\)](#)

- 46. Number not used.
- 47. Number not used.
- 48. Number not used.
- 49. Number not used.
- 50. Number not used.
- 51. Number not used.
- 52. Number not used.

- 53. [Authorizing](#) Finance Director to draw checks on registers for the weeks of March 23 and 30, April 6 and 13, 2020; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 23 and 30, April 6 and 13, 2020; and to draw checks for biweekly payroll due March 27 and April 10, 2020.

ORDINANCES - SECOND CONSIDERATION

- 54. [Amending](#) Chapter 114 of the Municipal Code regarding traffic changes as follows:
 - (A) Code correction to match field conditions – Holcomb Avenue between 6th Avenue and the dead end to the west.
 - (B) Code revisions related to the Hubbell Avenue Reconstruction Project – E. 38th Street, E. Douglas Avenue, Kennedy Drive and Hubbell Avenue.
 - (C) Code corrections related to speed limit and parking changes on park roads.
- 55. Number Not Used.
- 56. [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.

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

ORDINANCES - FIRST CONSIDERATION

57. [Amending](#) Section 114.243(e) relating to traffic and vehicle regulations.

(A) Final consideration of ordinance above, requires six votes.

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

[\(Council Communication No. 20-150\)](#)

(A) Removal of morning peak-hour restrictions - west side of 6th Avenue from Euclid Avenue to Clinton Avenue.

(B) Residential handicap restriction - Sherrick Avenue from 62nd Street, west to the dead end.

(C) Code corrections to match field conditions - E. 21st Street, Tichenor Street, and E. Washington Avenue.

(D) Code corrections to match field conditions - Brook Landing Plat 1 development.

(E) Final consideration of ordinance above, requires six votes.

59. [Amending](#) Section 42 of the Municipal Code relating to administrative penalties for public nuisance for water and ice on sidewalks, streets and real property.

[\(Council Communication No. 20-151\)](#)

(A) Final consideration of ordinance above, requires six votes.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 60 THRU 69)

60. [On](#) 2020 Traffic Signal Replacement Contract 1: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Van Maanen Electric, Inc. (Nathan S. Van Maanen, President), \$831,245.

[\(Council Communication No. 20-146\)](#)

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

61. [On](#) 2020 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as TK Concrete, Inc. (Tony J. Ver Meer, President), \$519,945.

[\(Council Communication No. 20-145\)](#)

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

62. [On](#) 2020 City-wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as TK Concrete, Inc. (Tony J. Ver Meer, President), \$622,685.

[\(Council Communication No. 20-129\)](#)

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

63. [On](#) M. L. King Jr. Parkway Rehabilitation from Hickman Road to Euclid Avenue: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as OMG Midwest, Inc. dba Des Moines Asphalt & Paving (Kevin Bragg, President), \$1,164,172.

[\(Council Communication No. 20-149\)](#)

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

64. [On](#) 2019 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER).

[\(Council Communication No. 20-133\)](#)

65. [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 18th 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.

- (A) [First](#) consideration of ordinance amending Chapter 134 of the Municipal Code relating to the Official Zoning Map.
 - (B) Final consideration of ordinance above, requires six votes.
66. [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.
67. [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. 14th 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.
68. Items regarding the budget:
- [\(Council Communication No. 20-144\)](#)
- (A) [Cancelling](#) hearing on consideration of the recommended Capital Improvement Program Plan (CIP) for fiscal years 2020-21 through 2025-26.
 - (B) [Cancelling](#) hearing on the amendment to the annual budget for current fiscal year ending June 30, 2020.
 - (C) [Cancelling](#) hearing on the proposed budget for the fiscal year ending June 30, 2021.
 - (D) [Setting](#) date of hearing to adopt a resolution establishing the total maximum property tax dollars certified for levy for the fiscal year ending June 30, 2021, (4-8-20, Noon).
69. Items regarding continuing hearings:
- (A) [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).

- (B) [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.
- (C) [On](#) request from Hope Ministries Center for Women and Children (Leon Negen, Officer) to amend the PlanDSM: Creating Our Tomorrow future land use designation and to rezone 3800 E. Douglas Avenue from “R1-60” One-Family Low-Density Residential to “PUD” Planned Unit Development and to approve the PUD Conceptual Plan to allow the existing church building to be converted to a 50-bed short-term program and 50-bed long-term life support program for homeless women and children, including classroom, office, daycare and similar supporting uses.
- (D) [Continuing](#) multiple public hearings originally scheduled to be held before the City Council on March 23 and April 6, 2020 to be held on April 20, 2020 at 5:00PM in the MSC Board Room, 2nd floor, Richard A. Clark Municipal Services Center, 1551 E. Martin Luther King Jr. Parkway.

MOTION TO ADJOURN.

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