

**DES MOINES CITY COUNCIL MEETING
MSC Board Room, Municipal Services Center
1551 E. M. L. King Jr. Pkwy
Des Moines, Iowa 50317**

**May 4, 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:

Time: May 4, 2020 04:30 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89613587732?pwd=MmlvRS9FbGUzU0g4eFVxK3ZVNmZuUT09>

Meeting ID: 896 1358 7732

Password: 017324

Dial by your location

877 853 5257 US Toll-free

Meeting ID: 896 1358 7732

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 49:

***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)	ARCHER LOUNGE AND GRILL	1930 SE 6TH ST	C Liquor
(B)	SANDS VOLLEYBALL CLUB	6214 GRAND AVE	C Liquor

RENEWAL APPLICATIONS

(C)	AMERICANA	1312 LOCUST ST	C Liquor
(D)	BEST FOOD MART	4028 E 14TH ST	E Liquor
(E)	CHEESE BAR	2925 INGERSOLL	C Liquor
(F)	EMBASSY SUITES HOTEL	101 E LOCUST ST	B Liquor
(G)	H & A MINI MART	145 UNIVERSITY	E Liquor
(H)	OLYMPIC FLAME	514 E GRAND AVE	C Beer/Wine
(I)	PRICE CHOPPER	3425 INGERSOLL	C Beer/Wine
(J)	QUIK TRIP #515	1421 INGERSOLL	C Beer
(K)	ROCA & SHORTYS	208 COURT AVE	C Liquor
(L)	ROYAL FOOD *(1)	1443 2ND AVE	C Beer
(M)	ST KILDA SURF & TURF	111 E GRAND AVE	C Liquor
(N)	THIRSTY SPORTSMAN	4808 SW 9TH ST	C Liquor

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

PUBLIC IMPROVEMENTS

6. [Ordering](#) construction of Simon Estes Amphitheater Repairs: Receiving of bids, (5-19-20), Setting date of hearing, (6-8-20). Engineer's estimate, \$500,000.

[\(Council Communication No. 20-200\)](#)

7. [Approving](#) Iowa Department of Transportation (IDOT) Agreement for grading and paving of NE 14th Street (U.S. Highway 69) from I-80 to south of Ankeny.

[\(Council Communication No. 20-204\)](#)

8. [Approving](#) Professional Services Agreement (PSA) with Felsburg Holt & Ullevig, Inc. for professional services for Southwest Infrastructure and Planning Study, not to exceed \$322,811.

[\(Council Communication No. 20-202\)](#)

9. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Kirkham Michael & Associates, Inc. for additional design and construction phase services for Ingersoll Avenue Streetscape – 31st Street to Martin Luther King Jr. Parkway, not to exceed \$450,000.

[\(Council Communication No. 20-203\)](#)

10. [Approving](#) Change Order No. 8 with Synergy Contracting LLC for additional work on Fleur Drive Reconstruction from George Flagg Parkway to Watrous Avenue, Phase 1 Northbound Lanes, \$210,364.90.

[\(Council Communication No. 20-201\)](#)

11. [Approving](#) increase of the total costs for the Des Moines and Raccoon Rivers Project to develop the Des Moines – Birdland and Levee Design Deficiency Report.

[\(Council Communication No. 20-196\)](#)

12. [Approving](#) and adopting the Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual, 2020 Edition, SUDAS Standard Specifications, 2020 Edition, and the City of Des Moines General Supplemental Specifications to the SUDAS Standard Specifications, 2020 Edition, as the official design standards and standard specifications and supplemental specifications for the City of Des Moines.

[\(Council Communication No. 20-195\)](#)

13. Approving Private Construction Contracts between the following:

- (A) [McAninch](#) Corporation and HRC Grover Woods, LLC for Sanitary Sewer Improvements in Grover Woods Plat 1.
- (B) [McAninch](#) Corporation and HRC Grover Woods, LLC for Storm Sewer Improvements in Grover Woods Plat 1.
- (C) [Legacy](#) Excavation, LLC and J. Larson Homes, LLC for Paving Improvements in Three Lakes Estates Plat 7.

14. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

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

- (A) [University](#) Avenue Improvements from 55th Street to 63rd Street, TK Concrete, Inc.

- (B) [Leetown](#) Creekway Box Culvert from Dean Avenue to University Avenue, S.M. Hentges & Sons, Inc.

SPECIAL ASSESSMENTS

16. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2020-04.
17. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2020-04.

LAND/PROPERTY TRANSACTIONS

18. [Acceptance](#) of Planned Unit Development (PUD) restoration bond for grading work at Grover Woods Plat 1, in the vicinity of 4500 Hubbell Avenue.

[\(Council Communication No. 20-191\)](#)

19. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2019 (4 separate applications).

[\(Council Communication No. 20-190\)](#)

SETTING DATE OF HEARINGS

20. [On](#) conveyance of vacated alley right-of-way, west of and adjoining 1624 Ohio Street, to Mark C. Daggy and LeeAnn F. Daggy, \$337, (5-18-20).
21. [On](#) request from Skyline Trucking, Inc. (Ronald Fadness, Officer) to rezone property at 3220 Dixon Street from "I1" (Industrial) to "I2" (Industrial), to allow for future consideration by the Zoning Board of Adjustment of a conditional use for a Fabrication and Production, Intensive use, specifically for a 12,000 gallon above-ground petroleum tank for truck fueling to replace the use of mobile tanks, (5-18-20).
22. [On](#) request from Savannah Homes, Inc. (Ted Grob, Officer) to rezone 3323, 3335 and 3341 E. 24th Street from "P2" (Public, Civic and Institutional) to "N3a" (Neighborhood), to allow for development of one House Type B single-household residential dwelling in addition to two previously approved single-household residential dwellings, (5-18-20).
23. [On](#) request from Anchor Investment Group, LLC (Michael Donlin, Officer) to rezone 901 SE 7th Street and 709 and 714 Vale Street from "N3c" (Neighborhood) to "NX2"

(Neighborhood Mix), to allow for development of two rowhouse structures, each containing six household units, (5-18-20).

24. [On](#) request from Scottish Rite Park, Inc. (Daniel J. Boor, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation and rezone 2909 Woodland Avenue from “NX3” (Neighborhood Mix) to “RX1” (Mixed-Use), to allow the applicant to request a Conditional Use Permit for a business selling liquor, wine and/or beer as a restaurant “Bistro” within the existing assisted living residential facility, (5-18-20).
25. [On](#) request from Pinnacle on Fleur, LLC (Randy Walters, Officer) regarding approval of 1st Amendment to the Village at Gray’s Lake PUD Conceptual Plan for 2710 and 2500 Fleur Drive, to define Lot 5 of the plan to be developed with a 20-unit multi-household rowhome, (5-18-20).
26. [On](#) request from Walden Point, LP (Robert Burns, Partner) for a 2nd Amendment to the Walden Point PUD Conceptual Plan at 1200 4th Street, to allow use of the 3-story, 60 bed group living, assisted living facility to be converted to units allowing either group living, assisted living facility or multiple household living for seniors, (5-18-20).
27. [On](#) approval of an amendment to the Operational Agreement with Childtime Childcare, Inc. for the operation and maintenance of the childcare facility located in the Park & Ride Facility at 610 Center Street, (5-18-20).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. [Approving](#) payment to Ashley Berrios for a property damage claim.

APPROVING

29. [Final](#) terms of an Urban Renewal Development Agreement with Nelson Development for the construction of a 4-story mixed use building on the southwest corner of 26th Street and University Avenue, across from Drake University.

[\(Council Communication No. 20-199\)](#)

30. Number not used.

31. [Land](#) and Water Conservation Fund Outdoor Recreation Legacy Partnership Program grant application and certifications.

[\(Council Communication No. 20-192\)](#)

32. [Second](#) Amendment to service agreement with the State of Iowa, Department of General Services regarding the maintenance and protection of the State Capitol grounds.

[\(Council Communication No. 20-206\)](#)

33. [Household](#) Hazardous Waste Service Agreement with Metro Waste Authority for waste drop-off at MWA collection center.

[\(Council Communication No. 20-188\)](#)

34. [City](#) Council initiated request for vacation of SE 14th Court right-of-way in the vicinity of 97 Johnson Court.

35. Number not used.

36. [Amending](#) the original series resolution, approved on September 24, 2018, said resolution approving and authorizing a loan and disbursement agreement with the Iowa Finance Authority and authorizing and providing for the issuance of Sewer Revenue Capital Loan Notes, Series 2018D, in order to provide for the funding of a sponsored project under the terms of a new series 2018D Note to be issued in the principal amount of \$6,668,000, which includes approval of a Supplemental Tax Exemption Certificate.

[\(Council Communication No. 20-209\)](#)

37. [Amending](#) the original series resolution, approved on September 24, 2018, said resolution approving and authorizing a Loan and Disbursement Agreement with the Iowa Finance Authority and authorizing and providing for the issuance of Stormwater Management Utility Revenue Capital Loan Notes, Series 2018F (Subordinate), in order to provide for the funding of a sponsored project under the terms of a new series 2018F (Subordinate) Note to be issued in the principal amount of \$6,668,000, which includes approval of a Supplemental Tax Exemption Certificate.

[\(Council Communication No. 20-209\)](#)

38. [Authorizing](#) a Form of Loan and Disbursement Agreement with the Iowa Finance Authority and the Iowa Department of Natural Resources and authorizing and providing for the issuance and securing the payment of \$10,000,000 Sewer Revenue Capital Loan Notes, Series 2020B, and providing for a method of payment of said notes, and approving the form of Tax Exemption Certificate.

[\(Council Communication No. 20-209\)](#)

39. [Authorizing](#) a Form of Loan and Disbursement Agreement with the Iowa Finance Authority and authorizing and providing for the issuance and securing the payment of \$10,000,000 Stormwater Management Utility Revenue Capital Loan Notes, Series 2020C

(Subordinate), and providing for a method of payment of said notes, and approving the form of Tax Exemption Certificate.

[\(Council Communication No. 20-209\)](#)

40. [Amending](#) the original series resolution, approved on September 24, 2018, said resolution approving and authorizing a loan and disbursement agreement with the Iowa Finance Authority and authorizing and providing for the issuance of Sewer Revenue Capital Loan Notes, Series 2018E, in order to provide for the funding of a sponsored project under the terms of a new series 2018E Note to be issued in the principal amount of \$10,000,000, which includes approval of a Supplemental Tax Exemption Certificate.

[\(Council Communication No. 20-209\)](#)

41. [Abatement](#) of public nuisances at the following:
 - (A) [2602](#) Terrace Road (vacant residential structure).
 - (B) [5918](#) SE 19th Street (vacant residential structure, garage and shed).
 - (C) [3825](#) Cambridge Street (occupied fire damaged residential structure).
 - (D) [1305](#) E. 37th Street (garage).
42. [Communication](#) of fire escrow for 1132 42nd Street.
43. [Release](#) of fire escrow at 3107 59th Street.
44. Purchases from the following:
 - (A) [Capitol](#) City Towing & Recovery, LLC (Adam Malloy, Owner) and Central Iowa Towing and Recovery, Inc. (Dustin Tapp, President) for a two-year (2) contract with two additional two-year renewal options to furnish towing and emergency road services for city-owned vehicles for use by Fleet Services Division, estimated annual cost \$65,000. (Eight potential bidders, four received).
 - (B) [ADA](#) Mowing (Joel Huggins, Owner) and Beautiful Lawns by Long's LLC (Brandon Long, Owner) for a two-year (2) contract with three (3) additional one-year renewal options to furnish mowing, trimming, leaf mulching and litter removal for Real Estate Services and Right-of-Way properties for use by the Public Works Department, estimated annual cost \$91,378. (Fifty-nine (59) potential bidders, two received).

- (C) [Eagle](#) Sign Company (John and Janis Nagle, Owners) for sign fabrication and installation services at various City sites for use by the Parks and Recreation Department, \$158,679.06. (Nineteen (19) potential bidders, three received).
- (D) [Rubber](#) Roofing Systems (David Casey, President) and Brockway Mechanical & Roofing Company, Inc. (Mark J. Brockway, President) for an annual contract with three (3) additional one-year renewal options to furnish steep and low sloped roof repair services for use by the Facilities Management Division, estimated annual cost \$75,000. (Thirty-three (33) potential bidders, four received).

45. [Change](#) order to an existing agreement with CDW Government LLC for Cisco Smartnet Add On maintenance and support services for Cisco network equipment, \$29,223.46.

[\(Council Communication No. 20-208\)](#)

46. Number not used.

47. [Civil](#) Service entrance lists for IT Network Manager, Management Analyst, Development Zoning Inspector and Neighborhood Inspector.

48. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 4 and 11, 2020; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 4 and 11, 2020; and to draw checks for biweekly payroll due May 8, 2020.

ORDINANCES - SECOND CONSIDERATION

49. [Amending](#) Sections 42-358 and 42-358.02 relating to notices and administrative hearings for nuisances.

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

ORDINANCES - SECOND CONSIDERATION

50. [Rezone](#) 3800 E. Douglas Avenue from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development).

- (A) [Final](#) consideration of ordinance above (waiver requested by Chris Pose, Attorney for Hope Ministries), requires six votes.

51. [Rezone](#) properties located at 6011 and 6015 Grand Avenue from “RX1” (Mixed Use) to “MX1” (Mixed Use),

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 20-207\)](#)

- (A) Proposed code change to add no standing or stopping on Walnut Street between 8th Street and 9th Street.
 - (B) Code modification related to parking restriction on west side of 33rd Street, south of Forest Avenue.
 - (C) Code modifications related to the vacation of E. 15th Street and Fremont Street.
53. [Amending](#) Sections 50-26, 50-32.05, 50-34 and 50-35 relating to floodplain development regulations.

[\(Council Communication No. 20-197\)](#)

54. [Amending](#) Section 98-55 relating to solid waste charges for collection services.

[\(Council Communication No. 20-210\)](#)

APPROVING

- 54-I [Proposal](#) from Tyler Technologies, Inc. (Lynn Moore, Jr, CEO) to provide Records Management Solutions for use by the Police Department and authorizing the City Manager to negotiate an agreement.

[\(Council Communication No. 20-187\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 55 THRU 60)

55. [On](#) vacation of portions of 24th Street and University Avenue right-of-way adjoining 2331 University Avenue and conveyance of certain easement interests to Neighborhood Development Corporation, \$343.

(A) [First](#) consideration of ordinance above.

56. [On](#) amendment to the 2019 Action Plan and Citizen Participation Plan for the U.S. Department of Housing and Urban Development (HUD) 2015-2019 Consolidated Plan.

[\(Council Communication No. 20-189\)](#)

57. To review the anticipated environmental impact of Western Ingersoll Sewer Separation Project.

[\(Council Communication No. 20-205\)](#)

58. On 2020 Parking Garage Repair Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Merit Construction Services, Inc. (Doug Bruns, President), \$545,850.

[\(Council Communication No. 20-194\)](#)

(A) Approving contract and bond.

59. On 2020 Downtown Railroad Crossing 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), \$213,880.

[\(Council Communication No. 20-193\)](#)

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

60. On Easton Boulevard Resurfacing from Hubbell Avenue to E. 33rd Street: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation (Timothy Mallicoat, President), \$515,942.10.

[\(Council Communication No. 20-198\)](#)

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

END HEARINGS AT _____PM

MOTION TO ADJOURN.

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