

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

**May 18, 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:

Topic: Regular City Council Meeting
Time: May 18, 2020 04:30 PM Central Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/85762211036?pwd=Zlo5cmE0OThjV2dzbW1Rbm1iOGVqdz09>

Meeting ID: 857 6221 1036

Password: 028283

Dial by your location

833 548 0276 US Toll-free

Meeting ID: 857 6221 1036

PROCLAMATIONS

National Public Works Week

Asian American and Pacific Islander (AAPI) Day Against Bullying and Hate

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA * – items 3 through 41:

***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)	ALLORA CAFE	1459 GRAND AVE	C Liquor
(B)	CHOCOLATERIE STAM	2814 INGERSOLL	B Beer
(C)	KUM & GO #7701	319 7TH ST	E Liquor
(D)	SCOTTISH RITE PARK	2909 WOODLAND	A Liquor

RENEWAL APPLICATIONS

(E)	APRILS SUNRISE TAP	4155 EASTON BLVD	C Liquor
(F)	CARLS PLACE	1620 WOODLAND	C Liquor
(G)	CONTINENTAL	428 E LOCUST ST	C Liquor
(H)	CVS PHARMACY #10329	2303 MERLE HAY RD	E Liquor
(I)	DES MOINES CIVIC CENTER	221 WALNUT ST	C Liquor
(J)	EASYGO	2723 GRAND AVE	E Liquor
(K)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Liquor
(L)	GARDEN NIGHTCLUB	112 SE 4TH ST	C Liquor
(M)	GAZALIS	1205 25TH ST	C Beer/Wine
(N)	GIT N GO STORE #31	2601 SW 9TH ST	C Beer
(O)	GRUMPY GOAT	1303 WALNUT ST	C Liquor
(P)	HOYT SHERMAN PLACE	1501 WOODLAND	C Liquor
(Q)	HY VEE MARKET GRILL	1107 E ARMY POST	C Liquor
(R)	JALAPENO PETE'S CANTINA	3000 E GRAND AVE	C Beer/Wine
(S)	LA TAPATIA 4	1606 6TH AVE	C Beer
(T)	LOUIES WINE DIVE	4040 UNIVERSITY	C Liquor
(U)	LUCCA	420 E LOCUST ST	C Liquor

(V)	MERCYONE DM MEDICAL	1111 6TH AVE	C Liquor
(W)	MICHELLES	3925 E 14TH ST	C Liquor
(X)	MOTLEY SCHOOL TAVERN	1903 BEAVER AVE	C Liquor
(Y)	MULLETS	1300 SE 1ST ST	C Liquor
(Z)	MY BROTHERS PLACE	2400 DEAN AVE	C Liquor
(AA)	QUICK STAR	2701 INGERSOLL	C Beer
(BB)	SOUTH SIDE FOOD MART	1101 ARMY POST RD	E Liquor
(CC)	SPAGHETTI WORKS	310 COURT AVE	C Liquor
(DD)	ST KILDA BAKERY AND CAFE	300 SW 5TH ST	C Liquor
(EE)	STATION ON INGERSOLL	3124 INGERSOLL	C Liquor

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [5th](#)/Keo Way Parking Garage Elevator Replacement: Receiving of bids, (6-9-20) and Setting date of hearing, (6-22-20). Engineer's estimate, \$950,000.

[\(Council Communication No. 20-216\)](#)

- (B) [6th](#) Avenue Streetscape – College Avenue to University Avenue: Receiving of bids, (6-16-20), Setting date of hearing, (7-13-20). Engineer's estimate, \$3,867,486.70.

[\(Council Communication No. 20-223\)](#)

- (C) [2020](#) HMA Resurfacing Program Contract 2: Receiving of bids, (6-9-20), Setting date of hearing, (7-13-20). Engineer's estimate, \$500,000.

[\(Council Communication No. 20-221\)](#)

7. Items regarding the proposed 2nd Avenue Reconstruction from University Avenue to the Des Moines River:

[\(Council Communication No. 20-220\)](#)

- (A) [Approving](#) the concept plan.
- (B) [Approving](#) Professional Services Agreement with Bolton & Menk, Inc., not to exceed \$485,929.

8. [Approving](#) Professional Services Agreement with Felsburg Holt & Ullevig, Inc. for Southwest Infrastructure and Planning Study, not to exceed \$322,811. (Continued from the May 4, 2020 Council meeting)

[\(Council Communication No. 20-225\)](#)

9. [Approving](#) Private Construction Contract between The Hansen Company, Inc. and Kum & Go, LC for storm sewer improvements in 3401 University Avenue.
10. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
11. Accepting completed construction and approving final payment for the following:
 - (A) [2019](#) Parking Garage Repair Program, Golf Acquisition Group, LLC d/b/a Golf Construction.
 - (B) [Simon](#) Estes River Sheeting, Cramer and Associates, Inc.

BOARDS/COMMISSIONS/NEIGHBORHOODS

12. [Recommendation](#) of Council Member Gray for appointment of Matt Connolly to the Housing Services Board, Seat 4, for the term expiring June 30, 2021.
13. [Recommendation](#) of Council Member Gray to reappoint Kameron Middlebrooks to the Des Moines Civil and Human Rights Commission, Seat 4, for the term expiring March 31, 2023.
14. [Communication](#) from Rachele Hunt advising of her resignation from the Des Moines Civil and Human Rights Commission, Seat 7, effective immediately.
15. [Recommendation](#) from Council Member Gatto to appoint Webster Kranto to the Des Moines Civil and Human Rights Commission, Seat 7, for the term ending on March 31, 2023.

SETTING DATE OF HEARINGS

16. [On](#) request from Des Moines Area Religious Council (DMARC) (Matt Unger, Officer) to amend the PlanDSM: Creating Our Tomorrow future land use designation and rezone 100 Army Post Road from “MX2” (Mixed-Use) to “EX” (Mixed Use), to allow for the applicant to consolidate its non-profit food bank distribution operation and headquarters to one location with offices, warehousing and distribution within the existing building, (6-8-20).
17. [On](#) request from Casey’s Marketing Company (Marni Beck, Officer) for review and approval of a PUD Final Development Plan “Casey’s Store No. 1192” for 3200 SW 9th Street, to allow redevelopment of the existing 21,664-square foot general food sales store with a 4,817-square foot gas station/convenience store to include a pump island canopy with 14 fueling locations, (6-8-20).
18. [On](#) intent to commence a public improvement project to construct the Southeast Connector – SE 30th Street to U.S. Highway 65 Project and to authorize acquisition of the necessary property interests, including agricultural land, for the project, (6-8-20).
19. [On](#) an ordinance amending the electric energy and gas franchises granted to MidAmerican Energy Company repealing the temporary increase to franchise fee used solely toward payment of the Kragnes V City of Des Moines judgment, (6-8-20).

[\(Council Communication No. 20-212\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

20. [Approving](#) payment to M. Kevin and Jean McLaughlin for property damage.
21. [Approving](#) payment to Khy’la Williams and Kimberly Williams on behalf of her minor child.

APPROVING

22. [Grant](#) agreements with the U.S. Department of Housing and Urban Development (HUD) for funding the City’s first year (2020) Action Plan of the 2020-2024 HUD Consolidated Plan.

[\(Council Communication No. 20-226\)](#)

23. [Community](#) Development Block Grant (CDBG) agreement with Youth and Shelter Services (YSS), doing business as Iowa Homeless Youth Centers (IHYC), for acquisition of 2705 E. Euclid Avenue.

[\(Council Communication No. 20-227\)](#)

24. [Youth](#) Homeless Demonstration Program funding allocations.

[\(Council Communication No. 20-229\)](#)
25. [Naming](#) of the Riverview Park Stage the Polk County Front Row Plaza.
26. [Naming](#) of the access road at Riverview Park the Bill and Pam Thompson Parkway.
27. [Waiver](#) and consent to conflict of interest in representation by Ahlers & Cooney, PC of the Des Moines Airport Authority in an agreement with the City of Des Moines regarding RISE grant improvements for Cowles Drive.
28. [Amended](#) Parking Meter Rate and Time Zone 1.
29. [Application](#) for the Patrick Leahy Bulletproof Vest Program through the Department of Justice.

[\(Council Communication No. 20-230\)](#)
30. [Application](#) in partnership with the Des Moines Public Schools for FY 2020 Community Oriented Policing Services (COPS) School Violence Prevention Program Grant to the Department of Justice, \$219,874.

[\(Council Communication No. 20-231\)](#)
31. [Application](#) for FY2020 Law Enforcement Mental Health and Wellness Act Grant.

[\(Council Communication No. 20-231\)](#)
32. [Grant](#) application for the Coronavirus Emergency Supplemental Funding Program.

[\(Council Communication No. 20-231\)](#)
33. [Receive](#) and file Stormwater Advisory Committee Policy and Rules and making appointments as follows:

[\(Council Communication No. 20-222\)](#)

 - (A) [Council](#) Member Gray, Ward 1, appointee Gloria Hoffmann.
 - (B) [Council](#) Member Westergaard, Ward 2, appointee Nancy Suby-Bohn.
 - (C) [Council](#) Member Mandelbaum, Ward 3, appointee Kathy Fehrman
 - (D) [Council](#) Member Gatto, Ward 4, appointee Bob Wilson.
34. Number not used.

- 35. [Rescinding](#) current schedule of administrative penalties for violations of Chapter 46, Fire Prevention and Protection, and approving and adopting an updated schedule of administrative penalties.

[\(Council Communication No. 20-211\)](#)

- 36. [Bid](#) from Hutchinson Salt Co. (Larry Bingham, President) for joint purchase along with the City of West Des Moines, Polk County and 26 other public entities representing the Central Iowa Salt Group (CISG) for rock salt and delivery for use by the Public Works Department, total cost \$615,210. (Five potential bidders, three received)

[\(Council Communication No. 20-213\)](#)

- 37. [Civil](#) Service Entrance lists for Housing Case Manager, Senior Public Safety Radio and Data Technician, Senior Refuse Collector and Street Maintenance Worker.
- 38. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 18 and 25, and June 1, 2020; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 18 and 25, and June 1, 2020 and to draw checks for biweekly payroll due May 22 and June 5, 2020.

ORDINANCES - FINAL CONSIDERATION

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

ORDINANCES - SECOND CONSIDERATION

- 40. [Amending](#) Section 98-55 relating to solid waste charges for collection services.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.
- 41. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (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.

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

ORDINANCES - FIRST CONSIDERATION

42. [Amending](#) Sections 50-26, 50-32.05, 50-34 and 50-35 relating to floodplain development regulations. (Continued from the May 4, 2020 Council Meeting)

[\(Council Communication No. 20-217\)](#)

43. [Amending](#) Chapter 2, Article VI, cross reference(s), relating to Boards, Commissions, and Agencies by eliminating the citizen odor board and odor appeals board.

[\(Council Communication No. 20-228\)](#)

44. [Amending](#) Sections 42-301, 42-303, 42-305, 42-306, 42-307, 42-308, 42-309, 42-310, 42-311, 42-314, 42-317, and repealing 42-313, 42-315 and 42-316 relating to odor control.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 45 THRU 56)

45. [On](#) conveyance of vacated alley right-of-way, west of and adjoining 1624 Ohio Street, to Mark C. Daggy and LeeAnn F. Daggy, \$337.

46. [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.

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

(B) [Final](#) consideration of ordinance above (waiver requested by Ted Grob, President, Savannah Homes, Inc.), requires six votes.

47. [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.

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

(B) [Final](#) consideration of ordinance above (waiver requested by Greg Bruening, President, Skyline Trucking, Inc.), requires six votes.

48. [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.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Daniel J. Boor, President/CEO, Scottish Rite Park), requires six votes.
49. [On](#) request from Pinnacle on Fleur, LLC (Randy Walters, Officer) regarding approval of 1st Amendment to the Village at Grays 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.
50. [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.
51. [Continuing](#) hearing 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 to June 8, 2020.
52. [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.

[\(Council Communication No. 20-214\)](#)

53. [On](#) proposed amendments to the approved Zoning Ordinance in Chapter 134 of the City Code relating to Lodging – Short-Term Commercial Rental Uses. (Continued from the February 24, 2020 Council Meeting)
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Chris Johansen, Community Development Director), requires six votes.

54. On E. 29th Street Rehabilitation from Easton Boulevard to Euclid Avenue: 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), \$496,721.63.

(Council Communication No. 20-218)

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

55. On 2020 Municipal Building Reroof: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as Central States Roofing Co. (Mark. H. Hanson, President), \$222,200.

(Council Communication No. 20-219)

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

56. On River Bend and King Irving Sewer Separation Phase 3A: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as Rognes Corp. (Warren K. Rognes, President). \$1,154,559.

(Council Communication No. 20-224)

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

*** END OF HEARINGS AT _____ PM ***

MOTION TO ADJOURN.

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