

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

December 6, 2021
5:00 PM

Due to the increased community transmission of COVID-19 in Polk County, we have implemented a face covering requirement in City buildings. The requirement applies to both staff and the visiting public and includes attendance at Council meetings. If you do not have a face covering, one will be provided for you.

The public is hereby notified that the City Council will not tolerate disruption of its business meetings. Persons wishing to attend this meeting are reminded of the following:

We welcome germane comments from the public at the appropriate time, but this is a Council business meeting, and the Council needs to conduct the people's business and Council has rules that are validly adopted under Iowa law and those rules will be followed.

Anyone engaging in disruptive conduct in the Council Chambers or Great Hall will result in those being disruptive being ordered to leave the building and being denied readmittance for the remainder of the day.

No person will be permitted to stand in the council chamber during council sessions between the audience seats and the councilmembers except the persons addressing the council **at the speakers' microphone** and **only** after being recognized by the Mayor.

All persons desiring to address the council may do so only when recognized by the Mayor, but the council reserves the right to limit the speaker's time and the order in which the speakers may address the council.

Under Section 2-70 of the City Code, it is illegal to interrupt any person who is addressing the council except by a council member, and it is illegal to disrupt the Council meeting.

EVERYONE in attendance has First Amendment rights and any disruptive conduct by one person or group impinges on the rights of others present, so disruptive conduct will not be tolerated.

If the meeting is disrupted, the public speaking portion of the meeting may be moved to the next in-person meeting which is not disrupted.

Those who disrupt the meeting will not be called on during the meeting, will be ordered to leave the building and may be cited or arrested for disorderly conduct, trespass or interfering with the good order of the meeting or other applicable charges.

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

3. APPROVING CONSENT AGENDA * – items 3 through 50:

***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)	821 SQ LIQUOR	821 E EUCLID AVE	Class E Liquor
(B)	ISLAS DEL PACIFICO	1434 DES MOINES ST	Class C Liquor
(C)	JK AFRICAN STORE	2312 UNIVERSITY AVE	Class E Liquor
(D)	RICOCHET	400 LOCUST ST #105	Class C Liquor
(E)	SOUTH SIDE SMOKE AND VAPE	3324 INDIANOLA AVE	Class C Beer

RENEWAL APPLICATIONS

(F)	B & B SUPER MARKET	2001 SE 6TH ST	Class C Beer
(G)	BUFFALO WILD WINGS	3311 SE 14TH ST	Class C Liquor
(H)	C FRESH MARKET	801 UNIVERSITY AVE	Class E Liquor
(I)	CHIPOTLE MEXICAN GRILL	3737 MERLE HAY RD	Class C Liquor
(J)	FELIX & OSCARS	4050 MERLE HAY RD	Class C Liquor
(K)	FONGS PIZZA	223 4TH ST	Class C Liquor
(L)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	Class E Liquor
(M)	LA BAJA COSINA MEXICANA	1938 SE 6TH ST	Class C Liquor
(N)	LICKETY LIQUOR	2501 HUBBELL AVE	Class E Liquor
(O)	PEACE TREE BREWING CO	317 E COURT AVE	Class C Liquor
(P)	PEGGYS TAVERN	3020 FOREST AVE	Class C Liquor
(Q)	QUIK TRIP #523R	849 ARMY POST RD	Class C Beer
(R)	QUIK TRIP #535	1501 E GRAND AVE	Class C Beer
(S)	SMOKE SHOP	1918 SE 14TH ST	Class E Liquor
(T)	SUDSUCKERS	1511 E ARMY POST RD	Class C Liquor
(U)	SUPER QUICK 2	1824 HUBBELL AVE	Class E Liquor
(V)	TASTE! TO GO AND CATERING	322 E COURT AVE #100	Class C Liquor
(W)	TOP IT OFF	100 INDIANA AVE	Class C Liquor
(X)	TUMEA AND SONS	1501 SE 1ST ST	Class C Liquor

SPECIAL EVENT APPLICATION

(Y)	UPT INC	519 PARK ST	5 days
	Class C Liquor License for All Iowa Gala on December 10, 2021.		

5. [City Clerk](#) to issue Cigarette/Tobacco/Nicotine/Vapor Permits.
6. [City Clerk](#) to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

- (A) [2021](#) Parking Garage Repair Program: Receiving of bids (12-21-21), Setting date of hearing (1-24-22), Engineer's estimate, \$235,000.

[\(Council Communication No. 21-507\)](#)

- (B) [2022](#) Midblock Pedestrian Signal Improvements: Receiving of bids (12-21-21), Setting date of hearing (1-24-22), Engineer's estimate, \$425,000.

[\(Council Communication No. 21-508\)](#)

- (C) [Closes](#) Creek Storm Sewer Improvements Phase 3: Receiving of bids (12-21-21), Setting date of hearing (1-24-22), Engineer's estimate, \$9,000,000.

[\(Council Communication No. 21-512\)](#)

- (D) [George](#) Flagg Parkway Resurfacing from Fleur Drive to SW 30th Street: Receiving of bids (12-21-21), Setting date of hearing (1-24-22), Engineer's estimate, \$550,000.

[\(Council Communication No. 21-513\)](#)

- (E) [Indianola](#) Avenue Reconstruction – E. Army Post Road to U.S. HWY 69: Receiving of bids (12-21-21), Setting date of hearing (1-24-22), Engineer's estimate, \$6,344,944.30.

[\(Council Communication No. 21-514\)](#)

- (F) [Nahas](#) Pool Painting Improvements: Receiving of bids (12-21-21), Setting date of hearing (1-24-22), Engineer's estimate, \$135,000.

[\(Council Communication No. 21-516\)](#)

- (G) [Pennsylvania](#) Avenue Reconstruction from North of E. University Avenue to E. Washington Avenue: Receiving of bids (12-21-21), Setting date of hearing (1-24-22), Engineer's estimate, \$1,560,000. (Continued from November 15th)

[\(Council Communication No. 21-515\)](#)

8. [Authorizing](#) submittal of Federal Surface Transportation Block Grant (STBG) and Transportation Alternative Program (TAP), also known as Surface Transportation Block Grant Set-Aside Program, Fiscal Year (FY) 2026 applications to the Des Moines Metropolitan Planning Organization (MPO).

[\(Council Communication No. 21-511\)](#)

9. [Approving](#) exception to Request for Proposal process for good cause and approving Professional Services Agreement with HR Green, Inc. for Intelligent Transportation Systems (ITS) Master Plan Integration – Phase 3, not to exceed \$344,000.

[\(Council Communication No. 21-521\)](#)

10. [Approving](#) Supplemental Agreement No. 3 to the Professional Services Agreement with Kirkham, Michael & Associates, Inc. for additional professional services for Ingersoll Avenue Streetscape – 31st to Martin Luther King, Jr. Parkway, not to exceed \$436,000.

[\(Council Communication No. 21-522\)](#)

11. [Approving](#) Change Order No. 10 with Koester Construction Co., Inc. for additional work on Municipal Service Center - Phase 2, in the amount of \$362,668.

[\(Council Communication No. 21-519\)](#)

12. [Approving](#) construction of storm sewer improvements included in the contract for the Federal Courthouse between Ryan Companies US, Inc. and US General Services Administration, Heartland Region 6 in 101 Locust Street.

13. [Approving](#) Private Construction Contract between Tech Construction Corp dba Caselli Construction and Van-Am Properties, LLC for paving improvements in 702 20th Street.

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

- (A) [2020](#) HMA Resurfacing Program Contract 1, Grimes Asphalt and Paving Corporation.

- (B) [2021](#) Riverwalk Improvements – Balustrade Replacement, TNT Tuckpointing and Building Restoration, LLC.

- (C) [Skywalk](#) Bridge 7C-7D Removal, Neumann Brothers, Inc.

LAND/PROPERTY TRANSACTIONS

15. [Receive](#) and file communication from the Plan and Zoning Commission regarding request from ARD Properties, LLC for review and approval of a major Preliminary Plat “Bauer Heights Plat 4” on property in the vicinity of 5591 NE 36th Court, within the two-mile distance for extraterritorial review of subdivision plats.
16. [Receive](#) and file communication from the Plan and Zoning Commission regarding request from Merle Hay Anchors, LLC (Jim Sutphen, Officer) for property in the vicinity of 4000 Merle Hay Road for review and approval of a Preliminary Plat and conditionally approving Final Plat “Merle Hay Anchors, LLC Subdivision”, to divide the property into three (3) development lots.

[\(Council Communication No. 21-536\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Recommendation](#) by Council Member Gray to appoint Deb Chido to Parks and Recreation Board, Seat 8, to fill a vacancy with the term ending June 30, 2023.
18. [Recommendation](#) by Council Member Gray to appoint Emily Westergaard to the Housing Services Board, Seat 4, to fill a vacancy with the term expiring June 30, 2024.
19. [Recommendation](#) from Council Member Mandelbaum to appoint Debra Carr to the Neighborhood Revitalization Board, Seat 9, to fill vacancy with the term ending June 30, 2023.
20. [Recommendation](#) from Council Member Boesen to reappoint Veronica Ouya to the Des Moines Civil and Human Rights Commission, Seat 2, for a three-year term expiring March 31, 2024.
21. [Recommendation](#) from Council Member Boesen to reappoint Dennis Groenenboom to the Housing Appeals Board, Seat 2, for a three-year term expiring March 15, 2024.
22. [Recommendation](#) from Council Member Boesen to reappoint Kari Warren to the Neighborhood Revitalization Board, Seat 1, for a three-year term expiring June 30, 2023.
- 22I. [Recommendation](#) from Council Member Voss to reappoint Chad Layland to the Building and Fire Code Board of Appeals, for a three-year term commencing on April 1, 2022 and expiring April 1, 2025.
23. [Recommendation](#) from Council Member Voss to reappoint Chase Holm to the Neighborhood Revitalization Board, Seat 6, for a three-year term expiring June 30, 2024.

- 23I. [Recommendation](#) from Council Member Voss to reappoint James Sarcone III to the Housing Appeals Board, Seat 3, for a three-year term expiring March 16, 2024.
24. [Recommendation](#) from Council Member Westergaard to reappoint Craig Wetzel to the Housing Appeals Board, Seat 5, for a three-year expiring March 16, 2024.
25. [Recommendation](#) from Council Member Westergaard to reappoint William Thompson to the Park and Recreation Board, Seat 10, for a four-year term expiring June 30, 2025.
- 25I [Recommendation](#) from Council Member Voss to reappoint Brian Clark to the Urban Design Review Board, Seat 3, for the three-year term expiring June 30, 2024.
26. [Communication](#) from Matt Connolly advising of his resignation from Housing Services Board, Seat 4, effective December 1, 2021.
27. [Communication](#) on the loss of Theresa Graziano from the Civil Service Commission, Seat 2, effective November 15, 2021.

SETTING DATE OF HEARINGS

28. [On](#) conveyance of a Permanent Easement for water main right-of-way in property located south of and adjoining Observatory Road to Des Moines Water Works, (12-20-21).
29. [On](#) conveyance of City-owned property at SE 43rd and Vandalia Road to Crossroads Cold Storage, LLC (C.J. Morton, Officer) for \$416,020, (12-20-21).
30. [On](#) a lease agreement with Power Boat Club on the River, Inc. for a portion of excess City property located on the north bank of the Des Moines River locally known as District/Parcel 070/02223-003-000, (12-20-21).
31. [On](#) correcting the vacation of the north-south alley right-of-way located west of and adjoining 1010 13th Street and to issue a corrected quit claim deed to JOPPA Cheatom Park, LLC, (12-20-21).
32. [On](#) request from Knapp Homes, LLC to rezone property locally known as 4402 Douglas Avenue from MX1 Mixed Use District to MX3 Mixed Use District to allow development of a restaurant with a drive-through use, subject to conditions, (12-20-21).
33. [On](#) request from CFD Properties, LLC to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 2300 East 14th Street from Neighborhood Mixed Use and Low-Medium Density to Industrial and to rezone said property from MX1 Mixed Use District to I1 Industrial District to allow use that includes outdoor storage, (12-20-21).

34. [On](#) City-initiated request to amend PlanDSM: Creating Our Tomorrow future land use designation for property generally located in the area bounded by East University Avenue to the north, Interstate 235 (Freeway) to the east and south, and East 15th Street to the west except parcels fronting along East University Avenue from Business Park Use to Low Density Residential and to allow rezoning from EX Mixed Use District to NX1 Neighborhood Mix District, (12-20-21).
35. [On](#) City-initiated request to amend PlanDSM: Creating Our Tomorrow future land use designation for real property generally located along East 21st Street and Tichenor Street between Guthrie Avenue to the north and Interstate 235 (Freeway) to the south from Industrial to Low Density Residential and to allow rezoning the property from I1 Industrial District to N3a Neighborhood District, (12-20-21).
- 35I. [On](#) Appeal by Genesis Health Club Sports Complex SE, LLC of denial of Type 2 Design Alternatives for Site Plan for property located at 1111 East Army Post Road. **Sponsored by Council Member Gatto.**

APPROVING

36. [On](#) corrected Third Amendment and Restated Urban Renewal Development Agreement with the Greater Des Moines Botanical Garden (GDMBG).
37. [First](#) Amendment to the Urban Renewal Development Agreement with The District Developer, LLC.

([Council Communication No. 21-528](#))
38. [Agreements](#) with Iowa Economic Development Authority and 6th Avenue Corridor, Inc. to continue the Main Street Program for the 6th Avenue Corridor.

([Council Communication No. 21-529](#))
39. [Issuance](#) of Certificate of Completion to Reagan Partners, LLC (Tim Rypma, Paul Cownie and Jeremy Cortright) for the historic renovation of three multi-family apartment buildings at 2801 Grand Avenue.
40. [Amendment](#) of Blighted Property Rehabilitation (BPR) Program Agreement with Rally Cap Properties, LLC for rehabilitation of property located at 693 19th Street to allow extension of agreement to April 30, 2022.

([Council Communication No. 21-534](#))
41. [Third](#) Amendment of Agreement with Ben Spellman for property located at 1124 13th Street and 1311 Laurel Street.

[\(Council Communication No. 21-533\)](#)

42. [Extension](#) of Municipal Parking Facilities Management Services Agreement with ABM Parking Services, Inc.

[\(Council Communication No. 21-520\)](#)

43. [Rules](#) for facilities and programs operated by the Parks and Recreation Department.

[\(Council Communication No. 21-525\)](#)

44. [Goose](#) Management Plan.

[\(Council Communication No. 21-523\)](#)

45. [Appointment](#) of Police Chief Dana Wingert and Superintendent of Technical Services Michele Bischof as the Primary Members of the Joint 911 Service Board with Captain David Ness, Communications Administrator Bradley Button and Assistance Fire Chief Todd Francisco serving as alternate members.

46. [Release](#) of fire escrow at 2432 Whispering Ridge Drive.

47. [Receipt](#) of Des Moines Water Works budget for calendar year ending December 31, 2022.

48. [Amendment](#) to Agreement with the Greater Des Moines Public Art Foundation for installation and maintenance of Jun Kaneko Glass Mural on Court Avenue Pump Station for license for temporary removal for repairs and reinstallation.

49. Purchases from the following:

- (A) [Heartland](#) Business Systems (Peter Helander, CEO) for Cisco Catalyst 9300 and Catalyst 9500 and wireless access point network hardware per State of Iowa contract for use by the Information Technology Department, \$485,902.08.

[\(Council Communication No. 21-524\)](#)

- (B) [Dewey](#) Ford (Dan Boettcher, General Manager) for twelve (12) vehicles including nine (9) one-quarter-ton compact pickup trucks, and three (3) compact SUVs, \$322,214.40 and from Stew Hansen Dodge City (Dan Boettcher, General Manager) for eleven (11) vehicles including four (4) half-ton special service vehicle pickup trucks, three (3) one-ton pickup trucks, two (2) three-quarter-ton pickup trucks, and two (2) minivans, \$400,780 as per State of Iowa contract for use in various City departments, total \$722,994.40.

[\(Council Communication No. 21-526\)](#)

50. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 6 and 13, 2021; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 6 and 13, 2021; to draw checks for biweekly payroll due December 17, 2021.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 51 THRU 59)

51. [Dismissing](#) hearing on request from JOPPA (Joe Stevens, Officer) to amend PlanDSM: Creating Our Tomorrow future land use designation of property located at 1661 County Line Road from Business Park to Neighborhood Mixed and Medium Density Residential to allow rezoning to ‘RX1’ Mixed Use District and ‘NX2’ Neighborhood Mix District to allow redevelopment of the property as a JOPPA village for 50 units of Household Living use and Professional Office use as a transitional housing community. The property is currently owned by the Des Moines Metro Wastewater Reclamation Authority City of Des Moines. **(Continued from August 23, 2021).**
52. [Dismissing](#) hearing on vacation of excess City right-of-way located north of and adjoining 1661 County Line Road, and conveyance to JOPPA for \$30,000, **(Continued from August 23, 2021).**
53. [On](#) the proposed Douglas Avenue Urban Renewal Area, receiving and filing the determination of the Des Moines Plan and Zoning Commission and adopting the Urban Renewal Plan.

[\(Council Communication No. 21-531\)](#)

- (A) [Resolution](#) of Necessity for the Douglas Avenue Urban Renewal Area.
54. [Accepting](#) revised development proposal from Des Moines Climate Controlled Self Storage, LLC (Mark Bockenstedt, Owner) to develop City-owned property in the vicinity of 503 SE 12th Street in the Metro Center Urban Renewal Area and accepting the conceptual development plan for the project.

[\(Council Communication No. 21-527\)](#)

55. [On](#) the proposition to authorize a lease in the Principal amount of not-to-exceed \$130,000 for the purpose of acquiring certain items of equipment for Winter Snow Removal consisting of three (3) motor graders and one bulldozer.
56. Items regarding Cowles Drive entrance improvements at the Des Moines International Airport:
- (A) [Hearing](#) on the Fourth Amendment to Real Estate Lease and Asset Transfer Agreement with the Des Moines Airport Authority to exclude excess property adjoining Fleur Drive north of Porter Avenue and to include property adjoining Fleur Drive between Highview Drive and Southlawn Drive, and property located at 4459 Parklawn Drive.
 - (B) [Approving](#) Completion and acceptance of the Fleur Drive turn lane at Cowles Drive – Airport Improvements set forth in and constructed pursuant to said private construction contract, intersection of Fleur Drive and Cowles Drive Airport Enhancement/Exit Roadway, between Reilly Construction Co., Inc. and Des Moines Airport Authority.
 - (C) [Dedicating](#) additional Fleur Drive right-of-way for the Fleur Drive turn lane at Cowles Drive.
57. [On](#) appeal by Menard, Inc. of denial of Type 2 Design Alternative for site plan for property located at 6000 Southeast 14th Street, (**Choose Alternative A – Deny proposed Type 2 Design Alternative or Alternative B – Approve proposed Type 2 Design Alternative**).
58. [On](#) Ashworth Pool and Northwest Pool Painting Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as A1A Sandblasting (Iowa), (Michael Marjama, Owner), \$171,100.

[\(Council Communication No. 21-509\)](#)

- (A) [Approval](#) of contract and bond.
59. [On](#) Evergreen Avenue Rehabilitation from Marion Street to S.E. 30th Court: 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), \$427,660.75.

[\(Council Communication No. 21-510\)](#)

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

ORDINANCES - FIRST CONSIDERATION

60. [Amending](#) Chapter 74 of the Municipal Code relating to the Parks and Recreation Board and Parks and Recreation Department and Director; regulating conduct for use of parks and recreational facilities; fees for rental and use of parks and recreational facilities and programs and mobile food vendors.

[\(Council Communication No. 21-530\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Ben Page, Parks and Recreation Director), requires six votes.

61. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulations Changes as follows:

[\(Council Communication No. 21-517\)](#)

- (A) Parking Restriction – Dean Avenue at E. 24th Street.
(B) Park Modification – Accessible parking space on E. 25th Street between Capitol Avenue and E. Grand Avenue.

62. [Amending](#) Chapter 114 of the Municipal Code to facilitate the use of multi-space parking meters.

[\(Council Communication No. 21-518\)](#)

63. [Amending](#) Sections 2-1176 and 2-1177, relating to the creation, composition, appointment and powers and duties of the Youth Advisory Board.

[\(Council Communication No. 21-537\)](#)

APPROVING

64. [An](#) exception to the procurement ordinance competitive procurement requirements for good cause and approving agreement with Broadlawns Medical Center for Mobile Crisis Mental Health Response Team Services and the Crisis Advocacy Response Effort Program.

[\(Council Communication No. 21-535\)](#)

65. [An](#) exception to the procurement ordinance competitive procurement requirements for good cause and approving agreement with Cure Violence Global for services related to the Cure Violence Program.

[\(Council Communication No. 21-532\)](#)

66. [Agreement](#) with Creative Visions for Cure Violence Program Implementation Services.

[\(Council Communication No. 21-532\)](#)

COMMUNICATIONS/REPORTS

67. [Requests](#) to speak as follows:

- (A) Adam Callanan
- (B) Garland Armstrong

MOTION TO ADJOURN.

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