

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

February 7, 2022
5:00 P.M.

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.

PROCLAMATIONS (4:45 P.M.)

American Heart Month

Transit Equity Day

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 40:

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless pursuant to Council rules, Council requests an item be removed to be considered separately.**

LICENSES AND PERMITS

4. [Approving](#) Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A) TUPELO HONEY CAFE 665 GRAND AVE #100 Class C Liquor

RENEWAL APPLICATIONS

(B) BB & BISTRO/OTTS	4121 SE 14TH ST #B	Class C Liquor
(C) CASH SAVER #34	4121 FLEUR DR	Class E Liquor
(D) CONEY ISLAND #2	3700 SW 9TH ST	Class B Beer
(E) COONEYS TAVERN	3708 BEAVER AVE	Class C Liquor
(F) DES MOINES YACHT	2617 INGERSOLL AVE	Class C Liquor
(G) GIT N GO STORE #23	2930 HICKMAN RD	Class C Beer
(H) SHOP N SAVE #2	1372 E 14TH ST	Class E Liquor
(I) TOBACCO OUTLET #503	400 EUCLID AVE	Class C Beer
(J) VIVA MEXICAN	6101 GRAND AVE	Class C Liquor

SPECIAL EVENT APPLICATION

(K) GREAT CATERERS 3000 E GRAND AVE 5 days
Class C Liquor License for a Breed Dinner on February 12, 2022.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[Council Communication No. 22-034](#)

- (A) [Animal](#) Control Facility Bid Package No. 2 – Grading, Utilities and Public Improvements (Streets): Receiving of bids, (3-8-22) and Setting date of hearing, (3-21-22), Engineer’s estimate, \$870,000.
- (B) [Animal](#) Control Facility Bid Package No. 3 – General Carpentry: Receiving of bids, (2-22-22) and Setting date of hearing, (3-21-22), Engineer’s estimate, \$460,000.
- (C) [Animal](#) Control Facility Bid Package No.4 – Concrete Building Foundations and Slab on Grade: Receiving of bids, (2-22-22) and Setting date of hearing, (3-21-22), Engineer’s estimate, \$535,000.
- (D) [Animal](#) Control Facility Bid Package No. 5 – Masonry: Receiving of bids, (3-8-22) and Setting date of hearing, (3-21-22), Engineer’s estimate \$480,000.
- (E) [Animal](#) Control Facility Bid Package No. 6 – Architectural Millwork: Receiving of bids, (3-8-22) and Setting date of hearing, (3-21-22), Engineer’s estimate \$105,000.
- (F) [Animal](#) Control Facility Bid Package No. 7 – Roofing and Sheetmetal: Receiving of bids, (3-8-22) and Setting date of hearing, (3-21-22), Engineer’s estimate \$330,000.
- (G) [Animal](#) Control Facility Bid Package No. 8 – Glazing and Metal Panels: Receiving of bids, (3-8-22) and Setting date of hearing, (3-21-22), Engineer’s estimate \$750,000.
- (H) [Animal](#) Control Facility Bid Package No. 9 – Drywall, Framing, Acoustic Ceilings and Painting: Receiving of bids, (3-8-22) and Setting date of hearing, (3-21-22), Engineer’s estimate \$490,000.
- (I) [Animal](#) Control Facility Bid Package No. 10 – Tile: Receiving of bids, (2-22-22) and Setting date of hearing, (3-21-22), Engineer’s estimate \$30,000.
- (J) [Animal](#) Control Facility Bid Package No. 11 – Fluid Applied Flooring: Receiving of bids, (2-22-22) and Setting date of hearing, (3-21-22), Engineer’s estimate \$135,000.
- (K) [Animal](#) Control Facility Bid Package No. 12 – Kennels and Cat Cages: Receiving of bids, (3-8-22) and Setting date of hearing, (3-21-22), Engineer’s estimate \$450,000.

- (L) [Animal](#) Control Facility Bid Package No. 13 – Fire Suppression: Receiving of bids, (2-22-22) and Setting date of hearing, (3-21-22), Engineer’s estimate \$100,000.
 - (M) [Animal](#) Control Facility Bid Package No. 14 – Mechanical: Receiving of bids, (3-8-22) and Setting date of hearing, (3-21-22), Engineer’s estimate \$2,890,000.
 - (N) [Animal](#) Control Facility Bid Package No. 15 – Electrical: Receiving of bids, (3-8-22) and Setting date of hearing, (3-21-22), Engineer’s estimate \$1,000,000.
 - (O) [Animal](#) Control Facility Bid Package No. 16 – Site Paving: Receiving of bids, (2-22-22) and Setting date of hearing, (3-21-22), Engineer’s estimate \$650,000.
 - (P) [Animal](#) Control Facility Bid Package No. 17 – Landscaping: Receiving of bids, (2-22-22) and Setting date of hearing, (3-21-22), Engineer’s estimate \$170,000.
7. [Approving](#) Professional Services Agreement (PSA) with The Weitz Company for Construction Manager as Advisor Services for the Animal Control Facility, not to exceed \$876,883.
([Council Communication No. 22-047](#))
8. [Approving](#) Supplemental Agreement No. 4 to the Professional Services Agreements with Barr Engineering Company for additional professional services for Des Moines Levee Alterations - Phase C, not to exceed \$95,600.
([Council Communication No. 22-032](#))
9. [Approving](#) Change Order No. 12 with Koester Construction Co., Inc. for additional work on Municipal Service Center - Phase 2, in the amount of \$387,167.
([Council Communication No. 22-033](#))
10. [Authorizing](#) the purchase of 4,905.50 stream mitigation credits within the Des Moines River Mitigation Bank, from the City of Fort Dodge, Iowa for the E. Douglas Avenue Reconstruction from E. 42nd Street to N.E. 56th Street, in the amount of \$245,275.
([Council Communication No. 22-044](#))
11. [Communication](#) from contractors requesting permission to sublet certain items on public improvement project.
12. Accepting completed construction and approving final payment for the following:
- (A) [E. 29th](#) Street Rehabilitation from Easton Boulevard to Euclid Avenue, Grimes Asphalt and Paving Corporation.
 - (B) [Drake](#) and Bates Parks Water Playgrounds, Joiner Construction Company Inc.

- (C) [2020](#) Sewer Repair at 3515 Sheridan Avenue, MPS Engineers, PC dba Kingston Services, PC.
 - (D) [2020](#) Traffic Signal Replacement Contract 1, Van Maanen Electric, Inc.
 - (E) [2021](#) Traffic Signal Replacement Contract 1, Iowa Signal, Inc.
- 12I. [Approving](#) Resource Enhancement and Protection (REAP) grant agreement with Iowa Department of Natural Resources (IDNR) for the Beaverdale Park Woodland Restoration.

[\(Council Communication No. 22-040\)](#)

SPECIAL ASSESSMENTS

- 13. [Deletion](#) of NAC – Emergency Assessment at 1515 4th Street.

LAND/PROPERTY TRANSACTIONS

- 14. [Approving](#) Final Subdivision Plat for the Market District.

[\(Council Communication No. 22-043\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 15. [Recommendation](#) from Councilmember Gatto to appoint Leah Rudolphi to the Plan and Zoning Commission, Seat 14, to fill a vacancy with a term ending on June 30, 2026.
- 16. [Recommendation](#) from Councilmember Westergaard to appoint Garland Armstrong to the Access Advisory Board, seat 5, for the remaining four months of the present term and for a full four-year term starting June 14, 2022 and ending on June 14, 2026.
- 16I. [Recommendation](#) from Des Moines Civil and Human Rights Commission to appoint Aayliyah Battle, replacing Stacey Berry, as their youth member appointee to the Community Policing and Code Enforcement Policy and Practice Review Committee.

COMMUNICATIONS FROM PLANNING AND ZONING

- 17. [Regarding](#) request from Iowa Power and Light Company for vacation of a roadway easement for undeveloped north/south Southeast 25th Street along the east side of the property at 2351 East County Line Road.
- 18. [Regarding](#) request from United Properties Investment Co, LLD for review and approval of a Major Preliminary Plat Amendment to “The Creek at Echo Valley Plat 1” for property in the vicinity of 2900 Echo Valley Drive.

19. Number Not Used.
20. [Regarding](#) request from Community Foundation of Greater Des Moines for vacation of Ingersoll Avenue right-of-way adjoining 1910 Ingersoll Avenue.

SETTING DATE OF HEARINGS

- ~~21. On City initiated request to amend the existing PlanDSM: Creating Our Tomorrow Comprehensive future land use plan to adopt the South of Gray's Lake Master Plan as an element, (2-21-22).~~
22. [To](#) correct the vacation of a portion of Southeast 3rd Street right-of-way located north of East Market Street and south of vacated East Vine Street as part of the Market District Redevelopment Project, (2-21-22).
23. [On](#) vacation of a portion of Birdland Park and conveyance to Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for the WRA Birdland Pump Station Replacement Project, (2-21-22).
24. [On](#) request from Christensen Development, LLC to amend PlanDSM: Creating Our Tomorrow future land use designation of property located at 600 East 14th Street from Public/Semi-Public to Community Mixed Use and to rezone the property from P2 - Public, Civic and Institutional District to MX3 - Mixed Use District to allow development of convenience store with fueling stations, (2-21-22).
25. [On](#) request from the Oaks on Fleur, LLC to amend PlanDSM: Creating Our Tomorrow future land use designation for property located at 3010 Fleur Drive and 3020 Fleur Drive from Low Density Residential to Medium Density Residential to rezone from N3a – Neighborhood District to Limited NX1 – Neighborhood District to allow development of approximately 14 rowhouse dwelling units, (2-21-22).
26. [On](#) request from ABC Partners, LP for approval of a proposed 2nd Amendment to the Airport Business Park Phase II PUD Conceptual Plan on property located at 7404 SW 37th Street in order to reconfigure lots within the PUD, reduce the requirement of a 10-foot bicycle path along Southwest 37th Street and Gannett Avenue to a 5-foot sidewalk, and add the Fabrication and Production, Intensive use of fertilizer product assembly to the allowed uses within the Property, (2-21-22).
27. [On](#) request from Trinity Land Holdings, LC for approval of a proposed 1st Amendment to the PAT Brokerage PUD Conceptual Plan on property located at 4529 Douglas Avenue to allow the construction of a 1-story commercial building and parking in the southern portion of the PUD along Douglas Avenue, in lieu of the 2-story commercial building and larger surface area currently allowed by the Plan, (2-21-22).

APPROVING

28. [Acceptance](#) of the Homeland Security Explosive Ordnance Detection 2019 Reallocation Grant Awards on behalf of the Explosive Ordnance Detection (EOD) Task Force.

([Council Communication No. 22-041](#))

29. Number Not Used.

30. [Proposed](#) Final District Plan for the Capital City Reinvestment District and approving the submission of an application to the Iowa Economic Development Authority for approval of the District.

([Council Communication No. 22-048](#))

31. [Receive](#) and file Quarterly Treasurer's Report as of December 31, 2021.

32. [Authorizing](#) the redemption of outstanding Sewer Revenue Capital Loan Notes, Series 2014B, of the City of Des Moines, State of Iowa, dated April 23, 2014, and directing notice be given.

33. [Authorizing](#) the redemption of outstanding General Obligation Bonds, Series 2014C, of the City of Des Moines, State of Iowa, dated July 30, 2014, and directing notice be given.

34. [Authorizing](#) the redemption of outstanding Taxable General Obligation Urban Renewal Bonds, Series 2014D, of the City of Des Moines, State of Iowa, dated July 30, 2014, and directing notice be given.

35. [Authorizing](#) the redemption of outstanding General Obligation Refunding Capital Loan Notes, Series 2014E, of the City of Des Moines, State of Iowa, dated September 30, 2014, and directing notice be given.

36. Abatement of public nuisances as follows:

- (A) [908](#) E 22nd Street – main structure and garage.
- (B) [3308](#) SW 7th Street – main structure.
- (C) [3939](#) River Oaks Drive.
- (D) [1929](#) Glenbrook Drive.

37. [Communication](#) of fire escrow at 1409 Sampson Street.

38. [Acquisition](#) of Personal Protective Equipment, fire coats and pants, by the Fire Department utilizing Municipal Code section 2-726(d) for the sole source purchase of MSA-Globe fire coats and pants through Sandry Fire Supply, DeWitt, IA and to allow the Fire Department’s annual purchase authority of up to \$500,000 per fiscal year (FY).

[\(Council Communication No. 22-031\)](#)

39. [Authorizing](#) Finance Director to draw checks on registers for the weeks of February 7 and 14, 2022; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 7 and 14, 2022; to draw checks for biweekly payroll due February 11, 2022.

ORDINANCES - SECOND CONSIDERATION

40. [Amending](#) Section 134-1.10 of the Municipal Code by rezoning and changing the district classification of certain property located at 1236 24th Street from University Square Legacy “PUD” to MX2 Mixed Use District classification.

- (A) [Final](#) consideration of ordinance above (waiver requested by Michelle D. Morgan Huggins, Drake University), requires six votes.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 41 THRU 49)

41. [To](#) adopt a resolution establishing the total maximum property tax dollars certified for levy for the fiscal year ending June 30, 2023. Requires five affirmative votes.

[\(Council Communication No. 22-039\)](#)

42. Items related to the Carpenter Urban Renewal Area Plan:

- (A) [Closing](#) hearing on the proposed Carpenter Urban Renewal Area Plan located between Forest Avenue, Martin Luther King Jr. Parkway, University Avenue, and 25th Street, with additional parcels north of Forest Avenue and south of University Avenue, accepting and filing recommendation of Plan and Zoning Commission and adopting the Urban Renewal Plan.

[\(Council Communication No. 22-049\)](#)

- (B) [Resolution](#) of Necessity for the Carpenter Urban Renewal Area.
- (C) [First](#) consideration of ordinance designating the area as a TIF District.
- (D) [Final](#) consideration of ordinance above (waiver requested by Erin Olson-Douglas, Director of Development Services Department), requires six votes.

43. [On](#) appeal from Glad Tidings Assembly of God Church (Owner), represented by Bill Wenig, (Officer), on denial of a Type 2 Design Alternative for Site Plan for property located at 2145 East Army Post Road. **(Continued from January 24, 2022 Council Meeting), (Choose Alternative A – to deny and Approve the Type 2 Design Alternative or Alternative B - to approve the proposed Type 2 Design Alternatives in form requested by Glad Tidings Assembly of God Church).**

44. [On](#) 2022 Skywalk Bridge Structural Repair Program: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as CTG Construction, LLC (Tracy D. Grasso, Owner), \$59,000.

[\(Council Communication No. 22-035\)](#)

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

45. [On](#) 2nd Avenue Bridge over the Des Moines River Rehabilitation and 2nd Avenue Bridge over Birdland Drive Replacement: 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), \$9,983,440.85.

[\(Council Communication No. 22-037\)](#)

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

46. [On](#) SW 9th Street Bridge Replacement over Middle South Creek: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Herberger Construction Company, Inc. (Dean Herberger, President), \$1,987,042.24.

[\(Council Communication No. 22-038\)](#)

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

47. [On](#) Chesterfield Park Water Playground and Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Caliber Concrete, LLC (Jason Martin, Owner), \$1,875,639.77.

[\(Council Communication No. 22-042\)](#)

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

48. [On](#) Ingersoll Avenue Streetscape from 28th Street to M.L. King Jr. Parkway (South 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), \$5,258,518.95.

[\(Council Communication No. 22-045\)](#)

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

COMMUNICATIONS/REPORTS

49. [Receive](#) and file Stormwater Infrastructure Advisory Committee's 2021 Annual Report to the City Council.

[\(Council Communication No. 22-046\)](#)

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

- (A) James Grimm
- (B) Tyler Bainter
- (C) Natalie Harwood
- (D) Jolene Prescott
- (E) Larry James
- (F) Paden Sheumaker
- (G) Denver Foote
- (H) Katelyn Sethi
- (I) Molly Arndt

MOTION TO ADJOURN.

The City of Des Moines is pleased to provide accommodations to disabled individuals or groups and encourages participation in City government. To better serve you, please notify us at least three business days in advance when possible at 515-283-4209, should special accommodations be required. Assistive Listening Devices are available for meetings in the City Council Chambers.

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