

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

**March 7, 2022
5:00 P.M.**

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 (4:50 P.M.)

Kidney Disease Awareness Month

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 54:

***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) | ESCAPE CHAMBERS | 338 SW 6TH ST | Class C Liquor |
| (B) | STOP N SHOP | 5000 SW 9TH ST | Class C Beer |
| (C) | WILLOW ON GRAND | 6011 GRAND AVE | Class C Liquor |

RENEWAL APPLICATIONS

| | | | |
|-----|----------------------|---------------------|----------------|
| (D) | 1717 BREWING COMPANY | 322 E COURT AVE 101 | Class B Beer |
| (E) | BUZZARD BILLYS | 615 3RD ST | Class C Liquor |
| (F) | CASEYS #3915 | 3200 SW 9TH ST | Class C Beer |
| (G) | CHUCKS | 3608 6TH AVE | Class C Liquor |
| (H) | DOLLAR STORE #13292 | 3102 MERLE HAY RD | Class C Beer |
| (I) | DOLLAR STORE #313 | 2570 HUBBELL AVE | Class C Beer |
| (J) | DOLLAR STORE #4554 | 1020 E ARMY POST RD | Class C Beer |
| (K) | DOLLAR STORE #4991 | 3223 SE 14TH ST | Class C Beer |
| (L) | DOLLAR STORE #6077 | 221 63RD ST | Class C Beer |
| (M) | DOLLAR STORE #6725 | 1428 E OVID AVE | Class C Beer |
| (N) | DOLLAR STORE #6735 | 2650 INGERSOLL AVE | Class C Beer |
| (O) | EL POLLO CATRACHO | 4100 SE 14TH ST | Class C Liquor |
| (P) | FRANCIES | 2100 WAKONDA VIEW | Class C Liquor |
| (Q) | GOOD NEWS DARLING | 717 LOCUST ST #102 | Class C Liquor |
| (R) | GRANDVIEW GOLF | 2401 E 29TH ST | Class C Liquor |
| (S) | LA TAPATIA 2 | 3504 MERLE HAY RD | Class C Beer |
| (T) | LACRUZ #3 | 3900 E 14TH ST | Class C Beer |
| (U) | MALO RESTAURANT | 900 MULBERRY ST | Class C Liquor |
| (V) | MCCUENS PUB | 2565 WEDGEWOOD RD | Class C Liquor |
| (W) | STRANDED AT D & R | 1922 HUBBELL AVE | Class C Liquor |

SPECIAL EVENT APPLICATIONS

- (X) DRAKE UNIVERSITY 2615 CARPENTER AVE 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR AN EVENT ON
MARCH 31 AND APRIL 1, 2022.
- (Y) FRIENDLY SONS 1205 LOCUST ST (BEER TENT) 5 days
CLASS C LIQUOR LICENSE FOR PARADE BLOCK PARTY ON MARCH 17,
2022.
- (Z) IOWA CRAFT BEER TEN 313 WALNUT ST 5 days
CLASS C LIQUOR LICENSE FOR HOPS & HOOPS ON MARCH 16 - 20, 2022.

TRANSFER TO NEW LOCATION

(AA) ELWELL FAMILY FOOD 3000 E GRAND AVE Class C Liquor
TEMPORARY TO THE CATTLE BARN FOR A SWINE SALE ON MARCH 10
– 12, 2022.

(BB) ELWELL FAMILY FOOD 3000 E GRAND AVE Class C Liquor
TEMPORARY TO THE CATTLE BARN FOR A GOAT SHOW ON MARCH 17
– 19, 2022.

- 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) [2022](#) Neighborhood Sidewalk Program: Receiving of bids, (3-22-22) and Setting date of hearing, (4-18-22), Engineer’s estimate, \$1,700,000.

[\(Council Communication No. 22-083\)](#)

(B) [2022](#) HMA Residential Paving Program Contract 1: Receiving of bids, (3-22-22) and Setting date of hearing, (4-18-22), Engineer’s estimate, \$1,050,000.

[\(Council Communication No. 22-082\)](#)

(C) [Brook](#) Run Park Improvements: Receiving of bids, (3-22-22) and Setting date of hearing, (4-18-22), Engineer’s estimate, \$400,000.

[\(Council Communication No. 22-090\)](#)

(D) [Greenhouse](#) Facility: Receiving of bids, (4-5-22) and Setting date of hearing, (5-9-22), Engineer’s estimate, \$3,800,000.

[\(Council Communication No. 22-102\)](#)

8. [Approving](#) Professional Services Agreement (PSA) with Bolton & Menk, Inc. for Professional Services for the Merle Hay Road – Hickman Road to Aurora Avenue Corridor Study, not to exceed \$124,825.

[\(Council Communication No. 22-072\)](#)

9. [Approving](#) exception to Request for Proposals (RFP) process for good cause and approving Professional Services Agreement (PSA) with Veenstra and Kimm, Inc. for design services for Gray's Station Sanitary Trunk Sewer, not to exceed \$60,282.

[\(Council Communication No. 22-071\)](#)

10. [Approving](#) exception to Request for Proposal (RFP) process for good cause and approving Professional Services Agreement (PSA) with Kirkham Michael & Associates, Inc. for design services for Tuttle Street from S.W. 14th Street to S.W. 16th Street, not to exceed \$98,000.

[\(Council Communication No. 22-073\)](#)

11. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement (PSA) with Veenstra and Kimm, Inc. for additional Professional Services for Western Ingersoll Sewer Separation – Phase 2, not to exceed \$387,107.

[\(Council Communication No. 22-075\)](#)

12. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement (PSA) with Snyder & Associates, Inc. for additional design and construction Phase Services for Closes Creek Storm Sewer Improvements, Phase 2A, 2B, 3 and 11, not to exceed \$95,205.

[\(Council Communication No. 22-091\)](#)

13. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement (PSA) with McClure Engineering Co. d/b/a McClure Engineering Company, for additional Professional Services for McKinley Avenue Reconstruction, not to exceed \$201,200.

[\(Council Communication No. 22-074\)](#)

14. Number Not Used.

15. [Approving](#) Supplemental Agreement No. 5 to the Professional Services Agreement with Veenstra & Kimm, Inc. for additional design and construction phase services for River Bend and King Irving Sewer Separation, not to exceed \$49,500.

[\(Council Communication No. 22-103\)](#)

16. [Approving](#) Change Order No. 1 with A1A Sandblasting (Iowa) for additional work on Ashworth Pool and Northwest Pool Painting Improvements, \$103,950.

[\(Council Communication No. 22-086\)](#)

17. [Designation](#) of lowest responsive, responsible bidder as Jensen Builders LTD (Dale H. Jensen, President), Approval of contract and bond on Animal Control Facility Bid Package No. 1 – Structural Steel and Erection, \$699,700.

[\(Council Communication No. 22-085\)](#)

18. [Acceptance](#) of proposal from MidAmerican Energy Company to install new LED streetlights for Indianola Avenue Reconstruction from E. Army Post Road to U.S. Highway 69, estimated cost \$84,680.80.

[\(Council Communication No. 22-104\)](#)

19. [Acceptance](#) of a proposal from MidAmerican Energy Company to install new LED streetlights for Gray’s Parkway Extension, estimated cost \$139,738.85.

[\(Council Communication No. 22-070\)](#)

20. Number Not Used.

21. [Approving](#) and adopting the Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual, 2022 Edition, and the SUDAS Standard Specifications, 2022 Edition, as the official design standards and standard specifications and supplemental specifications for the City of Des Moines, Iowa.

[\(Council Communication No. 22-084\)](#)

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

- (A) [2019](#) Sewer Lining Program, Insituform Technologies USA, LLC.
- (B) [Riverwalk](#) Improvements-Paver Replacement, Miner Hardscape, LLC.
- (C) [SW](#) 5th Street Railroad Crossing Improvements, Minturn Inc.

LAND/PROPERTY TRANSACTIONS

23. [Approval](#) of 15 tax abatement applications for the additional value added by improvements completed during 2021.

[\(Council Communication No. 22-076\)](#)

24. [Acquisition](#) of the necessary property interests for the Fleur Drive Reconstruction, Phase 3 – Watrous Avenue to McKinley Avenue.

[\(Council Communication No. 22-087\)](#)

25. [Acquisition](#) of necessary property interests for the McKinley Avenue Reconstruction from South Union Street to SW 9th Street.

[\(Council Communication No. 22-089\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

26. [Approving](#) the Greater Des Moines Sister Cities Commission’s request to accept City of Ankeny’s appointment of Mr. Eric Baker to Seat 20, effective as of February 21, 2022, and the City of Windsor Height’s appointment of Ms. Ricki King to Seat 18, effective as of February 21, 2022.
27. [Communication](#) from Greg Wattier advising of his resignation from the Plan and Zoning Commission, Seat 6, effective immediately.
28. [Recommendation](#) of Des Moines Schools Board of Directors to appoint Maria Alonzo-Diaz to the Park and Recreation Board, Seat 15, for a term expiring June 30, 2024.
- 28I. [Recommendation](#) from Council Member Voss to appoint Dan Drendel to the Plan and Zoning Commission, Seat 6, to fill a vacancy with term expiring July 1, 2025.

SETTING DATE OF HEARINGS

29. [On](#) conveyance of excess City property locally known as 31 East Creston Avenue to Daniel Garcia for \$500, (3-21-22).
30. [On](#) vacation of portion of East County Line Road located north of and adjoining 2351 East County Line Road and approval of land exchange agreement with Iowa Power and Light Company N/K/A MidAmerican Energy Company, (3-21-22).
31. [On](#) request from Mark Lile and Karen Lile to amend the PlanDSM: Creating Our Tomorrow future land use designation for property located at 1100 Army Post Road from Community Mixed Use to Industrial to allow rezoning from RX1 - Mixed Use District to I1 – Industrial District to allow for outdoor storage, (3-21-22).
32. [On](#) request from Wendy Steffes and Dave Steffes to amend PlanDSM: Creating Our Tomorrow future land use designation for property located at 514 Foster Drive from Parks and Open Space to Low Density Residential and to allow rezoning from P2 – Public, Civic and Institutional District to N1a – Neighborhood District to allow combining with adjacent property for construction of a cabana, (3-21-22).
33. [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, (3-21-22).

34. [On](#) the Fifth Amendment to Real Estate Lease and Asset Transfer Agreement to exclude excess property adjoining Fleur Drive between Highview Drive and McKinley Avenue, and to include property located west of and adjoining Southwest 46th Street, north of McKinley Avenue, (3-21-22).
35. [On](#) lease agreement with Des Moines Historical Society for a portion of vacated parkland located south of University Avenue at the northeast corner of Waveland Golf Course, (3-21-22).
 - (A) [On](#) request from Shive-Hattery for a Certificate of Appropriateness for the proposed renovation of the Waveland Trolley Loop at 49th and University, located in the 4900 Block of University Avenue, (3-21-22). Sponsor: Council Member Voss.
36. [On](#) consideration of the recommended Capital Improvement Program (CIP) for fiscal years 2022-23 through 2025-26, (3-21-22).

[\(Council Communication No. 22-100\)](#)

37. Setting date of hearing on items regarding the budget, (3-21-22):

[\(Council Communication No. 22-100\)](#)

- (A) [On](#) amendment to the annual budget for current fiscal year ending June 30, 2022.
- (B) [On](#) proposed budget for the fiscal year ending June 30, 2023.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

38. [Approving](#) payment to Mary Moore-Johnson for a property damage claim.
39. [Approving](#) payment to Miriam Setaro for a personal injury claim.
40. [Approving](#) payment to Juan Sarceno for a workers' compensation claim.
41. [Approving](#) payment to Kayte Bohrn for a personal injury claim.

APPROVING

42. [Reallocation](#) of unspent 2020 Emergency Solutions Grant (ESG) funding from the U.S. Department of Housing and Urban Development (HUD).

[\(Council Communication No. 22-081\)](#)

43. [First](#) Amendment to Urban Renewal Development Agreement with Bronson Partners, LLC for the property located at 1417 Walnut Street.

[\(Council Communication No. 22-080\)](#)

44. [First](#) Amendment to Urban Renewal Development Agreement with Terrace Hill I, LLC for the properties located at 2515 and 2525 Grand Avenue.

[\(Council Communication No. 22-079\)](#)

45. [Final](#) terms for an Urban Renewal Development Agreement with Merge, LLC for the southeast corner of 25th Street and Carpenter Avenue, across from Drake University.

[\(Council Communication No. 22-105\)](#)

46. [Urban](#) Renewal Development Agreement with NMDP Holdings, LLC (Adam Petersen, President) for the expansion of an Industrial Precast Production Plant at 3312 East Granger Avenue.

[\(Council Communication No. 22-106\)](#)

47. [Sponsorship](#) of an application for financial assistance to the Iowa Economic Development Authority (IEDA) under the High-Quality Jobs (HQP) Program for Spraytec Fertilizers, LLC.

[\(Council Communication No. 22-078\)](#)

48. [Issuance](#) of a Certificate of Completion for the Mixed-Use project by East Village Tower Partners, LLC at 600 E. 5th Street.

49. [Contract](#) with Kendig Keast Collaborative, Inc. to provide consulting services for development of a Citywide Historic Preservation Plan and authorizing the City Manager to execute agreement.

[\(Council Communication No. 22-077\)](#)

50. [Non-exclusive](#), limited intellectual property license for trail logos to Des Moines Park and Recreation Foundation and authorizing Parks and Recreation Director to execute renewal and addendums to license.

[\(Council Communication No. 22-095\)](#)

51. [Donation](#), Construction and Naming Agreement with Kick It Forward regarding Mini-Pitch Futsal Court Systems at Chesterfield Park, Evergreen Park, Stone Park, Tower Park, and naming such Futsal Courts “Kick It Forward Mini-Pitch System”.

[\(Council Communication No. 22-096\)](#)

52. Purchases from the following:

- (A) [Elliot](#) Equipment Company (Gene Elliot, President) for a replacement vehicle for use in the Department of Public Works per Sourcewell contract, \$83,455.

[\(Council Communication No. 22-097\)](#)

- (B) [LDV](#) Custom Specialty Vehicles (Kurt Petrie, President) for a replacement vehicle for use in Public Safety per HGAC Buy contract, \$209,153.

[\(Council Communication No. 22-098\)](#)

- (C) [Stivers](#) Ford (Scott Politte, General Manager) for eleven (11) replacement vehicles for use in Public Safety per State of Iowa DAS contracts, \$356,758.50.

[\(Council Communication No. 22-099\)](#)

- (D) [Keltex](#) Inc. a division of Rayser Holdings, Inc. (Michelle Jensen, President & CEO) for emergency vehicle equipment per State of Iowa DAS contracts, \$113,879.61.

[\(Council Communication No. 22-094\)](#)

53. Abatement of public nuisances as follows:

- (A) [4116](#) East 28th Street.
- (B) [2424](#) Capitol Avenue.
- (C) [2951](#) E. Walnut Street.
- (D) [2317](#) Des Moines Street.
- (E) [1301](#) 14th Street.
- (F) [3125](#) Kingman Blvd.
- (G) [1619](#) 6th Avenue.
- (H) [1909](#) Mondamin Avenue.

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

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 55 THRU 62)

55. [To](#) correct the vacation of portions of Southeast 4th Street right-of-way located between vacated East Elm Street and East Martin Luther King, Jr. Parkway for the Market District Redevelopment Project.
- (A) [First](#) consideration of ordinance above.
56. Items regarding WRA Birdland Pump Station Replacement Project:
- [\(Council Communication No. 22-101\)](#)
- (A) [Continued](#) hearing for vacation a portion of Birdland Park and conveyance to Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for the WRA Birdland Pump Station Replacement Project. **(Continued from February 21, 2022 Council Meeting).**
- (B) [First](#) consideration of ordinance above.
- (C) [Final](#) consideration of ordinance above (waiver requested by James Beck, PE, Wastewater Engineering Manager), requires six votes.
- (D) [Resolution](#) dedicating a portion of Saylor Road right-of-way adjoining Birdland Park, north of E. Jefferson Avenue.
- (E) [Approving](#) Agreement with Des Moines Metropolitan Wastewater Reclamation Authority for the Birdland Pump Station Replacement, including granting Temporary Right of Entries for access and construction.
57. [On](#) conveyance of excess City-owned property located in the Fourmile Creek Floodplain to Polk County for the use and benefit of the Polk County Conservation Board for the Lower Fourmile Creek Greenway Project.
58. [On](#) request from 205 Land Investments, LLC to rezone property located at 1106 Army Post Road from RX1 Mixed Used District to MX1 Mixed Used District to address the subject property's current legal non-conforming use status as a Restaurant use with alcohol sales located within the 75 feet of the required separation distance from a parcel containing a Place of Worship use.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Anthony Celsi, Manager), requires six votes.
59. [On](#) intent to commence a public improvement project to construct Watrous Avenue from SW 56th Street to SW 61st Street Project and to authorize acquisition of the necessary property interests.
- [\(Council Communication No. 22-088\)](#)

60. 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. **(Continued from February 21, 2022 Council Meeting).**
61. On request from Eastgate Plaza, LLC for approval of a proposed 7th amendment to the Eastgate Plaza PUD Conceptual Plan on property located in the vicinity of 1534 East Euclid Avenue to allow a 1.28-acre interior portion of the Property to be developed with a 7,145 square-foot medical office building.
62. On Des Moines Levee Alterations – Phase C to reject all bids on Des Moines Levee Alterations – Phase C and to close the hearing on the plans, specifications, form of contract documents and Engineer’s estimate.

[\(Council Communication No. 22-092\)](#)

**** END OF HEARINGS AT _____ P.M. ****

ORDINANCES - FIRST CONSIDERATION

63. Amending Chapter 114 of the Municipal Code regarding Traffic Regulation changes as follows:
 - (A) Code modification to modify parking restrictions on East Douglas Avenue from E 42nd Street to NE 56th Street due to the East Douglas Avenue Reconstruction Project.

[\(Council Communication No. 22-068\)](#)

- ~~64. Amending Chapter 114-1 and 114-632, relating to trailers and trailers on public streets.~~
 - ~~(A) Final consideration of ordinance above (waiver requested by City Manager), requires six votes.~~

COMMUNICATIONS/REPORTS

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

- (A) Natalie Harwood
- (B) Adam Callanan
- (C) Carrie Gosnell
- (D) James Grimm
- (E) Al Steinsaw
- (F) Taylor Webber
- (G) Harvey Harrison
- (H) Carol Maher
- (I) Jolene Prescott

MOTION TO ADJOURN.

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