

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

May 9, 2022
5:00 P.M.

I. CLOSED SESSION – 3:30 PM

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C, of the Iowa Code, to discuss necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

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PROCLAMATIONS (4:45 P.M.)

Public Works Week

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 48:

***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 APPLICATION

- (A) CHOCOLATERIE STAM 2814 INGERSOLL AVE Class B Beer

RENEWAL APPLICATIONS

- (B) 14TH STREET TAVERN 3418 E 14TH ST Class C Liquor
(C) AMERICANA 1312 LOCUST ST Class C Liquor
(D) CHEESE BAR 2925 INGERSOLL AVE Class C Liquor
(E) CVS PHARMACY #10329 2303 MERLE HAY RD Class E Liquor
(F) ELWELL FAMILY FOOD 3000 E GRAND AVE Class C Liquor
(G) HOYT SHERMAN PLACE 1501 WOODLAND AVE Class C Liquor
(H) HY VEE MARKET GRILL 1107 E ARMY POST RD Class C Liquor
(I) KUM & GO #7701 319 7TH ST Class E Liquor
(J) LA TAPATIA 4 1606 6TH AVE Class C Beer
(K) LOUIES WINE DIVE 4040 UNIVERSITY AVE Class C Liquor
(L) LUCKY HORSE 2331 UNIVERSITY AVE Class C Liquor
(M) ROCA & SHORTYS 208 COURT AVE Class C Liquor
(N) SOUTH SIDE FOOD MART 1101 ARMY POST RD Class E Liquor
(O) WICKED RABBIT 1101 ARMY POST RD Class C Liquor

SPECIAL EVENT APPLICATIONS

- (P) BEERCOE 4140 E 14TH ST 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR A PRIVATE EVENT
ON MAY 20, 2022.
- (Q) HY VEE 4025 TONAWANDA DR 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON MAY 29, 2022.
- (R) IOWA TAPROOM 215 E 3RD ST (BEER TENT) 5 days
CLASS B BEER LICENSE FOR MARKET TO MARKET RELAY ON MAY 14,
2022.
- (S) NICOLE & MICHAEL S 3000 E GRAND AVE 5 days
CLASS C LIQUOR LICENSE FOR A RECEPTION ON MAY 21, 2022.
- (T) YOUR PRIVATE BAR 4025 TONAWANDA DR 5 days
CLASS C LIQUOR LICENSE FOR A RECEPTION ON MAY 12, 2022.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [Watrous](#) Avenue from SW 56th Street to SW 61st Street: Receiving of bids, (5-24-22) and Setting date of hearing, (6-13-22), Engineer's estimate, \$1,800,000.

[\(Council Communication No. 22-213\)](#)

- (B) [Evergreen](#) Park Shelter and Playground Improvements: Receiving of bids, (5-31-22) and Setting date of hearing, (6-27-22), Engineer's estimate, \$475,000.

[\(Council Communication No. 22-212\)](#)

- (C) [Cohen](#) Park Shelter and Sport Court Improvements: Receiving of bids, (5-31-22) and Setting date of hearing, (6-27-22), Engineer's estimate, \$460,000.

[\(Council Communication No. 22-210\)](#)

7. [Approving](#) Professional Services Agreement with Bolton & Menk, Inc. for professional services for 5th Avenue and Grand Avenue One-Way to Two-Way Conversion, not to exceed \$155,000.

[\(Council Communication No. 22-196\)](#)

8. [Approving](#) Professional Services Agreement with Impact7G, Inc. for professional services for the Chesterfield Site – Intensive Phase I Archaeological Survey, not to exceed \$66,200.

[\(Council Communication No. 22-198\)](#)

9. [Approving](#) Supplemental Agreement No. 4 to the Professional Services Agreement with Kirkham Michael & Associates, Inc. for additional design services for Southeast Connector – SE 30th Street to U.S. 65, not to exceed \$49,500.

[\(Council Communication No. 22-218\)](#)

10. [Approving](#) Change Order No. 15 with Koester Construction Co., Inc. for additional work on Municipal Service Center - Phase 2, in the amount of \$273,116.

[\(Council Communication No. 22-200\)](#)

11. Approving Private Construction Contracts for the following:
 - (A) [McAninch](#) Corporation and HRC Grover Woods, LLC for Sanitary Sewer Improvements in Grover Woods Plat 2.
 - (B) [McAninch](#) Corporation and HRC Grover Woods, LLC for Storm Sewer Improvements in Grover Woods Plat 2.
 - (C) [Evolution](#) Contracting, LLC and TK Development, LLC for Sanitary and Storm Sewer Improvements in Southwoods Estates Plat 3.
12. [Rescind](#) previously approved private construction contract between The Underground Company, Ltd. and Pinnacle on Fleur, LLC for Sanitary Sewer Improvements in 2710 Fleur Drive.
13. [Agreement](#) between the City of Des Moines and the Des Moines Metropolitan Wastewater Reclamation Authority for the Ingersoll Run Outlet, Phase 28, Segment 1 Project.

[\(Council Communication No. 22-219\)](#)

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

SPECIAL ASSESSMENTS

15. [Levy](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2022-04.
16. [Levy](#) Assessments for costs of Public Works Sewer Repair at 3709 SW 12th Street, Schedule No. 2022-02.

LAND/PROPERTY TRANSACTIONS

17. [Approving](#) payment to Norfolk Southern Railway Company for real estate acquisition settlement.
18. [Approving](#) tax abatement applications for the additional value added by improvements completed in 2021 (1) and 2022, (32 applications).

[\(Council Communication No. 22-214\)](#)

19. [Authorization](#) to proceed with voluntary acquisition of temporary easements and covenants to construct rain gardens on private property within priority watersheds with Public Works Department equipment and personnel in support of the goals of the City's Stormwater Best Management Practices Rebate Program.

BOARDS/COMMISSIONS/NEIGHBORHOODS

20. [Recommendation](#) from Council Member Westergaard to reappoint Matthew Keller to the Building and Fire Code Board of Appeals, Seat 5, for a three-year term commencing April 1, 2022, and expiring April 1, 2025.
21. [Recommendation](#) from Council Member Voss to reappoint Sarah Lohmeier to the Parks and Recreation Board, Seat 5, for a four-year term commencing June 30, 2022, and expiring June 30, 2026.
22. [Recommendation](#) from Council Member Sheumaker to reappoint Marcus Coenen to the Greater Des Moines Sister Cities Commission, Seat 9, for a five-year term commencing April 28, 2022, to expire April 28, 2027.
23. [Recommendation](#) from Council Member Voss to reappoint Alexandra Bomhoff to the Access Advisory Board, Seat 5, for a 3-year term commencing December 31, 2021, and expiring December 31, 2024.

COMMUNICATIONS FROM PLANNING AND ZONING

24. [Regarding](#) request from City of Des Moines Parks and Recreation Department represented by Ben Page for vacation of remnants of street and alley rights-of-way within Gray's Lake Park, to be dedicated as Parkland.
25. [Regarding](#) request from HOA Hotels, LLC (Owner) represented by John Schulz (Officer), for vacation of air rights and subsurface rights within East Walnut Street right-of-way, adjoining the property at 610 East Walnut Street, to allow balconies to project from the proposed building and to allow for encroachment of building footings.
26. [Regarding](#) request from Kelly Garner (Owner, 2512 Woodland Avenue) for vacation of easternmost 100 lineal feet of the east/west alley right-of-way within the block bounded by Woodland Avenue to the north, High Street to the south, 24th Street to the east, and 28th Street to the west.

SETTING DATE OF HEARINGS

27. [On](#) vacation of excess City right-of-way located in Gray's Lake Park, 2101 Fleur Drive, (5-23-22).
([Council Communication No. 22-203](#))
28. [On](#) vacation of excess City right-of-way located south of and adjoining 1819 43rd Street and conveyance to Cynthia S. Dolmage and Dennis D. Dolmage for \$150, (5-23-22).
29. [On](#) vacation of excess City right-of-way located north of and adjoining 4225 Northwest Drive and conveyance to Gabriel Concha and Mariya Velichkova Concha for \$100, (5-23-22).
30. [On](#) vacation of street right-of-way located at the intersection of Cottage Grove Avenue, Kingman Boulevard and 25th Street and lease to Drake Neighborhood Association for \$1,000, (5-23-22).
31. [On](#) request from City of Des Moines Parks and Recreation Department for Cohen Park located in vicinity of 1000 Scott Avenue, to amend the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Downtown Mixed Use to Parks and Open Space, and to rezone property from DX2 Downtown District to P1 Public, Civic and Industrial District, to bring the existing park use into conformance and to allow park improvements, (5-23-22).
32. [On](#) request from Elia, LLC and Easter Lake Estates, Inc. (Phil Watson, Officer) regarding property in the vicinity of 7221 Southeast 5th Street, to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Medium Density Residential to High Density Residential, which would allow future development of the property with a density greater than 17 dwelling units per acre, (5-23-22).
33. [On](#) City-initiated request to approve amending the PlanDSM: Creating Our Tomorrow Plan, Approving the Southwest Infrastructure and Planning Study as an element of the City's Transportation Master Plan, MoveDSM, (5-23-22).
34. [On](#) Fourth Amendment to lease of the Des Moines Botanical Center to the Greater Des Moines Botanical Garden, (5-23-22).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

35. [Approving](#) payment to Donovan and Julia Chesnut for a property damage claim.

CITY MANAGER COMMUNICATIONS

36. [Submitting](#) travel and training request for T.M. Franklin Cownie.

[\(Council Communication No. 22-226\)](#)

APPROVING

37. [Preliminary](#) terms of an Urban Renewal Development Agreement with 106 SW 7th Street, LLC for the phased historic renovation and conversion of the existing 4-story warehouse building at 106 SW 7th Street into office space and renovation and conversion of the existing 2-story warehouse building at 113 SW 8th Street for commercial space.

[\(Council Communication No. 22-225\)](#)

38. [Preliminary](#) terms of an Urban Renewal Development Agreement with Euclid Foresight, LLC for the renovation of 413 Euclid Avenue into a mixed-use residential and commercial development.

[\(Council Communication No. 22-223\)](#)

39. [Preliminary](#) terms of an Urban Renewal Development Agreement with ONESPEED DSM, LLC for the renovation and conversion of the existing auto repair shop located at 303 Scott Avenue into a craft brewing space.

[\(Council Communication No. 22-227\)](#)

40. [First](#) Amendment to Urban Renewal Development Agreement for the property located at 207 Crocker Street with 207 Crocker, LLC and Jensen Oswald, LLC, and approval of a Minimum Assessment Agreement.

[\(Council Communication No. 22-215\)](#)

41. [Third](#) Amendment to Urban Renewal Development Agreement with Merle Hay Investors, LLC for rehabilitation of existing Merle Hay Mall property and repurposing the Sears site.

[\(Council Communication No. 22-216\)](#)

42. [Agreement](#) with Central Iowa Hospital Corporation d/b/a UnityPoint Health – Des Moines Occupational Health for Occupational Health Services.

[\(Council Communication No. 22-195\)](#)

- 42I. [Facility](#) Use Agreement with World Triathlon Corporation d/b/a IRONMAN and Greater Des Moines Convention & Visitors Bureau, Inc. d/b/a Catch Des Moines for use of Gray’s Lake Park and the Meredith, Kruidenier and Southwest Connector Multi-Use Recreational Trails for the 2022 IRONMAN Triathlon.

[\(Council Communication No. 22-204\)](#)

43. [Negotiation](#) and agreement to terminate tower lease agreements between the City of Des Moines and Saga Communications of Iowa, LLC.

[\(Council Communication No. 22-209\)](#)

44. Abatement of public nuisances as follows:

- (A) [2806](#) Maple Street.
- (B) Number not used.
- (C) [5616](#) University Avenue.
- (D) [3619](#) 5th Avenue.
- (E) [1835](#) Logan Avenue.
- (F) [1700](#) 48th Street.
- (G) [1315](#) 12th Street.
- (H) [3606](#) 47th Street.

45. Purchases from the following:

- (A) [Family](#) Tree Care, LLC (Rick Hanson, President) to provide tree stump removal services for the removal of approximately 334 tree stumps in various City park locations, boulevards, and other public property as a result of damage from the derecho storm on August 10, 2020, \$66,418.62. (Ten potential bidders, three received).
- (B) [J & J](#) Construction Corp. (Jody Zuniga, President) for an increase in the agreement for concrete construction services for the Parks and Recreation Department, \$200,330 additional.

[\(Council Communication No. 22-206\)](#)

- (C) [Skyline](#) Salt Solutions (Mark Arthofer, President) for joint bid with the Central Iowa Salt Group (CISG) of granular deicer products (rock salt) for delivery to the Metropolitan Salt Storage Facility and to individual CISG agencies storage facilities for the 2022-2023 snow and ice control season, \$479,975. (Six potential bidders, four received).
- (D) [Insight](#) Public Sector, Inc. (Joyce Mullen, President and CEO) for Microsoft Enterprise Software Support Services for three years per Omnia Partners contract as requested by the Information Technology Department, \$662,630.46.

[\(Council Communication No. 22-202\)](#)

- 46. [Exception](#) to the procurement ordinance request for procurement process for good cause, approving Maintenance Agreement with Iowa Sports Turf Management, Inc. to maintain various athletic fields, and termination of existing Maintenance Agreement with Iowa Sports Turf Management, Inc.

[\(Council Communication No. 22-205\)](#)

- 47. [Amended](#) contract for expanded mosquito control efforts with Clarke Environmental Mosquito Management, Inc.

[\(Council Communication No. 22-201\)](#)

- 48. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 9 and 16, 2022; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 9 and 16, 2022; to draw checks for biweekly payroll due May 6 and May 20, 2022

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 49 THRU 65)

- 49. [On](#) conveyance of excess City-owned property locally known as 2123, 2127, 2207 and 2211 SW 23rd Street to Groben Wine LLC d/b/a Jasper Winery for \$133,600.

[\(Council Communication No. 22-197\)](#)

- 50. [On](#) conveyance of a Permanent Easement for Building Encroachment in City property located south of and adjoining 2811 Ingersoll Avenue to Peachtree Properties, LC for \$2,475.

51. [On](#) conveyance of vacated City alley in the block bounded by East Aurora Avenue on the north, East Shawnee Avenue on the south, Cornell Street on the west and Columbia Street on the east as part of the Hamilton Drain Storm Sewer Improvements Project.
52. [On](#) vacation and conveyance of City alley in block bounded by East Shawnee Avenue on the north, East Madison Avenue on the south, Columbia Street on the west and Bowdoin Street on the east as part of the Hamilton Drain Storm Sewer Improvements Project.

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

53. [On](#) request from Angel Groff (Owner) to amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Industrial Use, and to rezone property located at 2200 Easton Boulevard from “N3a” Neighborhood District to “I1” Industrial District, to allow use of the property for “Vehicle Maintenance and Repair – Major” use. Plan and Zoning Commission recommends denial. (**Choose alternative A or B**) (**Continued from April 18, 2022**).

(A) DENY.

OR

(B) APPROVE, continue the hearing to May 23, 2022, and to direct the City Manager and Legal Department to prepare the necessary legislation, requires six affirmative votes.

54. [On](#) approval and submission of HOME Investment Partnerships Program supplemental funding, as authorized under the American Rescue Plan (HOME-ARP), Allocation Plan as an amendment to the 2021 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD). (**Continued from April 18, 2022 Council Meeting**).

[\(Council Communication No. 22-211\)](#)

55. [On](#) request from KG Store 543, LLC (Aubrie Gould, Officer), for designation of the “Crescent Chevrolet Internally - Lit Acrylic Sign” at 555 17th Street as a local Landmark and on the issuance of Certificate of Appropriateness for proposed exterior alterations to the Crescent Chevrolet Rooftop Sign at 555 17th Street.

56. [On](#) amendments to Zoning Ordinance, Des Moines Municipal Code Section 134-3.9.2 relating to Accessory Housing Units (AHUs) and permitted zoning districts and regulations, (**Continued from the April 18, 2022 Council meeting**).

(A) [First](#) consideration of ordinance above and Table 135-2.22.1.

(B) [Final](#) consideration of ordinance above (waiver requested by Erin Olson-Douglas, Development Services Director), requires six votes.

57. [On](#) the first consideration of an ordinance for extending and amending the franchise heretofore granted to Iowa Power and Light Company, predecessor in interest to MidAmerican Energy Company, and granting unto MidAmerican Energy Company, its successors and assigns, the right, franchise and privilege for a period of thirteen (13) years from and after the effective date, to acquire, construct, operate and maintain in the City of Des Moines, Iowa, the necessary facilities for the production, distribution, transmission and sale of electric energy for public and private use; and to use and occupy the public streets, highways, avenues, alleys, bridges and public places for such purposes; providing for the imposition and collection of a franchise fee in consideration thereof; and prescribing the terms and conditions thereof.
58. [On](#) first consideration of an ordinance for extending and amending the franchise heretofore granted to Midwest Gas Company, predecessor in interest to MidAmerican Energy Company, and granting until MidAmerican Energy Company, its successors and assigns, the right, franchise and privilege for a period of thirteen (13) years from and after the effective date hereof, to acquire, construct, operate and maintain in the City of Des Moines, Iowa, the necessary facilities for the production, distribution, transmission and sale of gas for public and private use; and to use and occupy the public streets, highways, avenues, alleys, bridges and public places for such purposes; providing for the imposition and collection of a franchise fee in consideration thereof; and prescribing the terms and conditions thereof.
59. [Western](#) Ingersoll Run Sewer Separation Phase 3: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids.

[\(Council Communication No. 22-217\)](#)

60. [Animal](#) Control Facility Bid Package No. 3 – General Carpentry, No. 6 – Architectural Millwork, No. 8 – Glazing and Metal Panels, No. 10-Tile, No. 11- Fluid Applied Flooring: Resolution approving plans, specifications, engineer's estimate, receive and file bids, and designating lowest responsive, responsible bidder as Woodruff Construction, Inc. (Donald A. Woodruff, Organizer), \$2,088,700.

[\(Council Communication No. 22-224\)](#)

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

61. [Animal](#) Control Facility Bid Package No. 12 – Kennels and Cat Cages: Resolution approving plans, specifications, engineer's estimate, receive and file bids, and designating lowest responsive, responsible bidder as Midmark Corporation (Jon Wells, President & CEO), \$758,000.

[\(Council Communication No. 22-221\)](#)

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

62. [Animal](#) Control Facility Bid Package No. 13 – Fire Suppression: Resolution approving plans, specifications, engineer’s estimate, receive and file bids, and designating lowest responsive, responsible bidder as Midwest Automatic Fire Sprinkler Co. (Gerald L. Bernholtz, President), \$88,200.

[\(Council Communication No. 22-222\)](#)

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

63. [2022](#) City-Wide Traffic Calming Improvements: Resolution approving plans, specifications, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), \$638,418.

[\(Council Communication No. 22-207\)](#)

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

64. [2022](#) HMA Residential Paving Program Contract 2 - LOSST: Resolution approving plans, specifications, engineer’s estimate, receive and file bids, and designating lowest responsive, responsible bidder as InRoads, LLC (Joseph J. Manatt, CEO), \$1,552,295.60.

[\(Council Communication No. 22-208\)](#)

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

65. [Greenhouse](#) Facility: Resolution approving plans, specifications, engineer’s estimate, receive and file bids, and designating lowest responsive, responsible bidder as GTG Construction, L.L.C. (Tracy D. Grasso, Owner), \$4,459,976.

[\(Council Communication No. 22-220\)](#)

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

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

ORDINANCES - FIRST CONSIDERATION

66. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation changes as follows:

[\(Council Communication No. 22-199\)](#)

(A) Parking Restriction – Restrict parking on both sides of SW 61st Street and Watrous Avenue.

COUNCIL REQUESTS

67. [Council](#) Member Boesen requests a work session.

COMMUNICATIONS/REPORTS

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

- (A) Natalie Harwood
- (B) Chris Robinson
- (C) Diana Hammel
- (D) Jolene Prescott
- (E) Bridget Pedersen
- (F) Taylor Webber
- (G) Iris Olivares
- (H) Sam Davis
- ~~(I) Hannah Hayes~~
- ~~(J) Kerri Johannsen~~
- (K) Sydney Fox
- (L) Harvey Harrison
- (M) Dave Murrin-von Ebers
- (N) Matthew Peirce
- ~~(O) Adam Callanan~~

MOTION TO ADJOURN.

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