

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

**May 23, 2022**

**5:00 P.M.**

**PROCLAMATIONS**

Asian Pacific American Heritage Month/AAPI Day Against Bullying and Hate **(4:45 P.M)**

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 32:

**\*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) CONTINENTAL	407 E 5TH ST	Class C Liquor
(B) FAREWAY STORES #225	2716 BEAVER AVE	Class E Liquor
(C) MIYABI 9	512 E GRAND AVE	Class C Liquor
(D) PARKS AREA	710 CORNING AVE	Class B Beer
(E) TWISTED VINE BREWERY	112 SE 4TH ST #100	Class B Beer
(F) WATROUS TOBACCO	4001 SW 9TH ST	Class C Beer

**RENEWAL APPLICATIONS**

(G) APRILS SUNRISE TAP	4155 EASTON BLVD	Class C Liquor
(H) ARCHER LOUNGE & GRILL	1930 SE 6TH ST	Class C Liquor
<del>(I) CARLS PLACE</del>	<del>1620 WOODLAND AVE</del>	<del>Class C Liquor</del>
(J) CHOCOLATERIE STAM	2814 INGERSOLL AVE	Class C Native Wine
(K) COURT AVE BREWING	309 COURT AVE	Class C Liquor
(L) DEEP END BAR	830 MCKINLEY AVE	Class C Liquor

(M)	DM CIVIC CENTER	221 WALNUT ST	Class C Liquor
(N)	E 25TH ST PUB & GRUB	509 E 25TH ST	Class C Liquor
(O)	EASYGO	2723 GRAND AVE	Class E Liquor
(P)	GIT N GO STORE #31	2601 SW 9TH ST	Class C Beer
(Q)	JALAPENO PETES	3000 E GRAND AVE	Special Class C
(R)	JETHROS BBQ SOUTHSIDE	4337 PARK AVE	Class C Liquor
(S)	MERCYONE	1111 6TH AVE	Class C Liquor
(T)	MOTLEY SCHOOL	1903 BEAVER AVE	Class C Liquor
(U)	MULLETS	1300 SE 1ST ST	Class C Liquor
(V)	MY BROTHERS PLACE	2400 DEAN AVE	Class C Liquor
(W)	OLYMPIC FLAME	514 E GRAND AVE	Special Class C
(X)	PLAZA PUB	6202 DOUGLAS AVE	Class C Liquor
(Y)	QUIK TRIP #516	1000 E UNIVERSITY AVE	Class C Beer
(Z)	SHAGS	216 COURT AVE #201	Class C Liquor
(AA)	SPAGHETTI WORKS	310 COURT AVE	Class C Liquor
(BB)	ST KILDA BAKERY	300 SW 5TH ST #A150	Class C Liquor
(CC)	STATION ON INGERSOLL	3124 INGERSOLL AVE	Class C Liquor

#### SPECIAL EVENT APPLICATIONS

- (DD) APRES BAR CO 120 E 5TH ST 5 days  
CLASS C LIQUOR LICENSE FOR ONE IOWA GALA ON JUNE 4, 2022.
- (EE) CAPITAL CITY PRIDE 401 E 5TH ST (BEER TENT) 5 days  
CLASS B BEER PERMIT FOR FESTIVAL ON JUNE 10 - 12, 2022.
- (FF) DEPOT 3000 E GRAND AVE #069 5 days  
CLASS B BEER PERMIT FOR EVENTS OCCURRING JUNE 6 - 10, 2022.
- (GG) EXILE BREWING CO 313 WALNUT ST 5 days  
CLASS B BEER LICENSE FOR DAM TO DSM ON JUNE 2 - 4, 2022.
- (HH) IOWA ASIAN ALLIANCE 1203 LOCUST ST (BEER TENT) 5 days  
CLASS C LIQUOR LICENSE FOR CELEBRASIAN ON MAY 27 - 28, 2022.
- (II) IOWA CRAFT BREW 2251 GEORGE FLAGG PKWY 5 days  
CLASS B BEER PERMIT FOR FESTIVAL ON JUNE 4, 2022.
- (JJ) KOSMIC KINGDOM 4051 DEAN AVE 5 days  
CLASS C LIQUOR LICENSE FOR FESTIVAL ON JUNE 2 - 4, 2022.
- (KK) MULLETS 1300 SE 1ST ST 5 days  
CLASS C LIQUOR LICENSE FOR VENDOR FAIR ON JUNE 11, 2022
- (LL) PAR CATERERS 3915 FLEUR DR 5 days  
CLASS C LIQUOR LICENSE FOR PRINCIPAL CHARITY CLASSIC ON  
JUNE 1 - 5, 2022

- (MM) RENAISSANCE 401 5TH AVE 5 days  
CLASS C LIQUOR LICENSE FOR BLOC PARTY FOR BLOCBUILDER ON  
JUNE 13 - 14, 2022.
- (NN) SALISBURY HOUSE 4025 TONAWANDA DR 5 days  
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR GARDEN PARTY  
ON JUNE 5, 2022.
- (OO) ST GEORGE GREEK 1110 35TH ST 5 days  
CLASS C LIQUOR LICENSE FOR GREEK FOOD FAIR ON JUNE 3 - 5, 2022.
- (PP) THIRSTY PIGS 2101 FLEUR DR 5 days  
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR IRONMAN ON  
JUNE 12, 2022.
- (QQ) TRAVELING TAPSTER 120 E 5TH ST 5 days  
CLASS C LIQUOR LICENSE FOR A RECEPTION ON JUNE 18, 2022.
- (RR) VETERANS MEMORIAL 833 5TH AVE 5 days  
CLASS C LIQUOR LICENSE FOR AN EVENT ON JUNE 12, 2022.
- (SS) WHISKEY RIVER ANKENY 2035 E OVID AVE 5 days  
CLASS C LIQUOR LICENSE FOR AN EVENT ON MAY 28, 2022.
- (TT) WINEFEST DES MOINES 1716 LOCUST ST 5 days  
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR DOTDASH  
MEREDITH SATURDAY SESSIONS JUNE 11, 2022.
- (UU) WINEFEST DES MOINES 120 E 5TH ST 5 days  
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR TOASTING  
TUESDAY ON JUNE 14, 2022.

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

**PUBLIC IMPROVEMENTS**

- 6. [Approving](#) Professional Services Agreement (PSA) with Bolton and Menk, Inc. for Neal Smith Trail Rehabilitation – Euclid Avenue to Saylor Creek Bridge, Construction Observation Services, for an amount not to exceed \$77,608.

[\(Council Communication No. 22-242\)](#)

7. [Designation](#) of lowest responsive, responsible bidder as Synergy Contracting, LLC (Jesse Rognes, President); approval of contract and bond and permission to sublet on Western Ingersoll Run Sewer Separation Phase 3, \$6,686,000.

[\(Council Communication No. 22-251\)](#)

8. [Approving](#) Professional Services Agreement (PSA) with I & S Group, Inc. for Western Ingersoll Run Sewer Separation Phase 3, for an amount not to exceed \$488,150.

[\(Council Communication No. 22-250\)](#)

9. Approving Private Construction Contracts for the following:

- (A) [Elder](#) Corporation and Des Moines Independent Community School District for Storm Sewer Improvements in 2450 Forest Avenue.
- (B) [Concrete](#) Technologies, Inc. and TK Development, LLC for Paving Improvements in Southwoods Estates Plat 3.
- (C) [Reilly](#) Construction, Co., Inc. and ILEX Group, Inc for Sanitary Sewer Improvements in Northridge Business Park at 950 E. Broadway Avenue.

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

- (A) [Demolition](#) of DICO buildings at 200 SW 16<sup>th</sup> Street, Earth Services & Abatement, LLC dba Iowa Demolition.
- (B) [2021](#) Sanitary and Storm Sewer Televising Program, Equix Integrity, Inc.

11. [Approving](#) an agreement and covenant with Kading Properties, LLC regarding sewer service outside Des Moines city limits for property located at 5570 NE 23<sup>rd</sup> Avenue.

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

12. [Recommendation](#) from Mayor Cownie to appoint Paula Noonan to the Plan and Zoning Commission, Seat 3, for a five-year term commencing on July 1, 2021, and expiring July 1, 2026.

## SETTING DATE OF HEARINGS

13. [On](#) vacation of alley right-of-way located north of and adjoining 206 6<sup>th</sup> Avenue and approval of license agreement with ND 22 Fleming LLC and 206 6<sup>th</sup> Avenue, LLC, (6-13-22).
14. [On](#) conveyance of excess City-owned property located on Garden Road and locally known as District/Tax Parcels 010/05190-000-000, 010/05191-000-000, 010/05192-000-000, 010/05193000-000 and 010/5194-000-000 to C-Build, LLC for \$133,560, (6-13-22).
15. [On](#) request from Tiger Knight, LLC (Barry Nelson, Officer) for property at 1210 & 1220 Army Post Road to rezone the property from Limited “MX3” Mixed Use District to Limited “MX3” Mixed Use District with conditions to allow automotive upholstery and automotive detailing uses, (6-13-22).
16. [On](#) request from Krause Properties, LC (Owner), represented by Charley W. Campbell (Officer), for property at 2500 Southeast 43<sup>rd</sup> Street, to amend Plan DSM: Creating our Tomorrow Plan to revise the future land use classification from Business Park to Industrial Use, and to rezone the property from EX Mixed Use District to I2 Industrial District to allow the use of the property as a truck parking facility, (6-13-22).
17. [On](#) request from Parks and Recreation for property at Principal Park in the vicinity of 1 Line Drive, to amend the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Parks and Open Space to Public/Semi-Public, and to rezone from F – Flood District and P2 – Public, Civic and Institutional District to P2 – Public, Civic and Institutional District, to allow interior renovations and additions to the existing facility, to allow interior renovations and additions to the existing facility, (6-13-22).
18. [On](#) appeal by Knapp Homes, LLC (John Knapp, Owner) represented by Adam Cockerill (Officer) of denial of Type 2 Design Alternatives for a Site Plan (“Scooters”) for property located at 4402 Douglas Avenue, (6-13-22).
19. [On](#) issuance of not to exceed \$22,000,000 Stormwater Management Utility Revenue Bonds, (6-27-22).

## CITY MANAGER COMMUNICATIONS

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

[\(Council Communication No. 22-255\)](#)

## APPROVING

- ~~20. Reprogramming of prior years' unspent Community Development Block Grant (CDBG), and Emergency Solutions Grant (ESG) funding and approval of related grant agreements with the U.S. Department of Housing and Urban Development (HUD) for funding the City's third year (2022) Action Plan of the 2020-2024 Consolidated Plan to the 2022 Consolidated Plan Program Year.~~

~~(Council Communication No. 22-237)~~

21. [Second](#) Amendment to Urban Renewal Development Agreement for the property located at 3750 Grand Avenue, with 3750 Grand LLC and Minimum Assessment Agreement.

[\(Council Communication No. 22-254\)](#)

22. [Sustainable](#) workplace solutions services agreement with Baker Group for maintenance services for parking garages.

[\(Council Communication No. 22-243\)](#)

23. [Memorandum](#) of Understanding with Coding it Forward (Civic Innovation Corps) for City Manager Office hosting of interns.

[\(Council Communication No. 22-252\)](#)

24. [Receipt](#) of communication from the Greater Des Moines Public Art Foundation regarding an upcoming project for art on DART bus shelters along Ingersoll Avenue.

25. [Application](#) for 2022 Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies Grant.

[\(Council Communication No. 22-231\)](#)

26. Number Not used.

27. [Accepting](#) proposal of Matt Holeyton Enterprises, LLC, dba Signal of Des Moines to provide armed security services and approving agreement for a term of three years, with an option to renew for one additional 3-year term.

[\(Council Communication No. 22-233\)](#)

28. [Declaring](#) an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the City for certain original expenditures paid in connection with specified projects

29. Abatement of public nuisances as follows:

- (A) [1917](#) Williams Street
- (B) [1502](#) Milton Street
- (C) [1209](#) Bundy Street
- (D) [3445](#) SW 31<sup>st</sup> Street
- (E) [1130](#) Garden Avenue
- (F) [1431](#) 8<sup>th</sup> Street
- (G) [1331](#) 13<sup>th</sup> Street

30. Purchases from the following:

- (A) [Truck](#) Equipment, Inc. for service body upfitting and installation of a lift gate and other accessories on a 2021 Series Ram Chassis as requested by the Fleet Division, \$55,902. (Three potential bidders, two received)
- (B) [Waste](#) Management of Iowa for an annual contract with four additional one-year renewal options to furnish trash removal services for the SCRUB program as requested by the Public Works Department, estimated annual cost \$75,000. (Five potential bidders, one received)

[\(Council Communication No. 22-249\)](#)

(C) Number Not Used.

- (D) [Utility](#) Equipment Company for an annual contract with two additional one-year renewal options to furnish various Poly Vinyl Chloride (PVC) pipe materials for storm and sanitary sewer maintenance purposes as requested by the Public Works Department, estimated annual cost \$100,0000. (Three potential bidders, one received)

31. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 23, 30 and June 6, 2022; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 23, 30 and June 6, 2022; to draw checks for biweekly payroll due June 3, 2022.

**ORDINANCES - SECOND CONSIDERATION**

- 32. By amending Sections 42-246 and 42-258, relating to noise, sound equipment, sound amplifying equipment and construction equipment.
  - (A) Final consideration of ordinance above (waiver requested by Scott Sanders, City Manager), requires six votes.

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

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 33 THRU 51)**

- 33. On Fourth Amendment to lease of the Des Moines Botanical Center to the Greater Des Moines Botanical Garden.  

(Council Communication No. 22-253)
- 34. On the proposed 10<sup>th</sup> Amendment to the Urban Renewal Plan for the Ingersoll-Grand Urban Renewal area.  

(Council Communication No. 22-245)
- 35. On the proposed 13<sup>th</sup> Amendment to the Urban Renewal Plan for the SE AgriBusiness Urban Renewal Area.  

(Council Communication No. 22-247)
- 36. On the proposed 18<sup>th</sup> Amendment to the Urban Renewal Plan for the Central Place Industrial Park Redevelopment Urban Renewal Area.  

(Council Communication No. 22-246)
- 37. On the proposed 30<sup>th</sup> Amendment to the Urban Renewal Plan for the Metro Center Urban Renewal Area.  

(Council Communication No. 22-244)
- 38. On vacation of excess City right-of-way located south of and adjoining 1819 43<sup>rd</sup> Street and conveyance to Cynthia S. Dolmage and Dennis D. Dolmage for \$150.
  - (A) First consideration of ordinance above.



39. [On](#) vacation of street right-of-way located at the intersection of Cottage Grove Avenue, Kingman Boulevard and 25<sup>th</sup> Street and lease to Drake Neighborhood Association for \$1,000.
- (A) [First](#) consideration of ordinance above.
40. [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.
- (A) [First](#) consideration of ordinance above.
41. Items related to Gray's Lake Park, 2101 Fleur Drive.
- (A) [Hearing](#) on vacation of excess City right-of-way located in Gray's Lake Park, 2101 Fleur Drive.  
([Council Communication No. 22-232](#))
- (B) [First](#) consideration of ordinance above.
- (C) [Final](#) consideration of ordinance above (waiver requested by Ben Page, Parks and Recreation Director), requires six votes.
- (D) [Approving](#) Naming and Dedication of Gray's Lake Wetlands Project Area as Parkland.
42. [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/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.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Ben Page, Parks and Recreation Director), requires six votes.
43. [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.
44. [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.

45. [On](#) 2022 Riverwalk Improvements - Balustrade Replacement: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), \$187,880.

[\(Council Communication No. 22-236\)](#)

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

46. [On](#) City-Wide Pavement Marking Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Quality Striping, Inc. (Jamie Jirak, President), \$266,180.

[\(Council Communication No. 22-240\)](#)

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

47. [On](#) 2022-2023 HMA Pavement Scarification and Resurfacing: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as OMG Midwest, Inc. dba Des Moines Asphalt & Paving (Kevin Bragg, President), \$186,158.

[\(Council Communication No. 22-238\)](#)

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

48. [On](#) 2022 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Pillar Inc. (Matt Klucas, CEO), \$239,900.

[\(Council Communication No. 22-239\)](#)

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

49. [On](#) River Oaks Drive Reconstruction from Muskogee Avenue to Lincoln Place Drive: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Hawkeye Paving Corporation (Anthony L. Perkins, President), \$629,493.

[\(Council Communication No. 22-234\)](#)

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

50. On E. 3rd Street Reconstruction from E. Court Avenue to Iowa Interstate Railroad: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), \$372,060.

([Council Communication No. 22-248](#))

(A) Approval of contract and bond.

51. Dismissing hearing on approval of plans, specifications, form of contract and engineer's estimate on the City-Wide Skywalk Joint Seal replacements, due to no bids being received.

([Council Communication No. 22-241](#))

\*\*\*\* END OF HEARINGS \_\_\_\_\_ P.M. \*\*\*\*

#### **ORDINANCES - FINAL CONSIDERATION**

52. 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.
53. 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.

## APPROVING

54. [Joint](#) Clean Energy [Statement of Intent](#) to Cooperate with MidAmerican Energy Company.

## ORDINANCES - FIRST CONSIDERATION

55. Number Not Used.
56. Number Not Used.
57. [Amending](#) the Municipal Code Section 118 relating to the volume charge for sewer services rate to be applied to residential and nonresidential properties (Sanitary Utility rate increase).

[\(Council Communication No. 22-230\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Nicholas Schaul, Finance Director), requires six votes.

## COMMUNICATIONS/REPORTS

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

- (A) Bridget Pedersen
- (B) James Grimm
- ~~(C) Natalie Harwood~~
- (D) Marla Fowler
- (E) RJ Miller
- ~~(F) Adam Callanan~~
- (G) Taylor Webber
- ~~(H) Jolene Prescott~~
- (I) Julie Earles

## MOTION TO ADJOURN.

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