

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

December 12, 2022
5:00 PM

PROCLAMATIONS – 4:50 PM

National Homeless Persons’ Memorial Day

100th Anniversary of American Hellenic Educational Progressive Association Day

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 51:

***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) 515 BAR AND PATIO LLC	1500 SE 1ST ST	Class C Liquor
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RENEWAL APPLICATIONS

(B) 801 STEAK AND CHOP	801 GRAND AVE #200	Class C Liquor
(C) AIR LANES	4200 FLEUR DR	Class C Liquor
(D) B & B SUPER MARKET	2001 SE 6TH ST	Class C Beer
(E) BEST FOOD MART	4028 E 14TH ST	Class C Beer
(F) BEST FOOD MART	4028 E 14TH ST	Class E Liquor
(G) BUFFALO WILD WINGS	3311 SE 14TH ST	Class C Liquor
(H) CHRISTOPHERS DINING	2816 BEAVER AVE	Class C Liquor
(I) DES MOINES CLUB	666 GRAND AVE	Class A Liquor
(J) GARDEN NIGHTCLUB	525 E GRAND AVE	Class C Liquor

PUBLIC IMPROVEMENTS

6. [Submittal](#) of Federal Surface Transportation Block Grant (STBG) Program Fiscal Year (FY) 2027 applications to the Des Moines Metropolitan Planning Organization (MPO).

[\(Council Communication No. 22-569\)](#)

7. Number not used.

8. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with McClure Engineering Co. d/b/a McClure Engineering Company for McKinley Avenue Reconstruction, not to exceed \$89,700.

[\(Council Communication No. 22-568\)](#)

9. [Approving](#) Professional Services Agreement with OPN, Inc. d/b/a OPN Architects, Inc. for the City Facility Expansion Pre-Design Study, not to exceed \$528,000.

[\(Council Communication No. 22-565\)](#)

10. [Approving](#) Change Order No. 1 with Ball Team, LLC for additional work on Principal Park Phase 1 Improvements, \$462,108.

[\(Council Communication No. 22-558\)](#)

11. [Approving](#) Change Order No. 20 with Koester Construction Co., Inc. for additional work on Municipal Service Center - Phase 2, \$372,363.

[\(Council Communication No. 22-562\)](#)

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

13. Accepting completed construction and approving final payment for the following:
 - (A) [2020](#) HMA Residential Paving Program Contract 1, Grimes Asphalt and Paving Corporation.
 - (B) [2022](#) Sidewalk Replacement Program, Pillar, Inc.
 - (C) [2nd](#) Avenue and Hull Avenue Traffic Signal Replacement, Iowa Signal, Inc.
 - (D) [Evergreen](#) Avenue Rehabilitation from Marion Street to SE 30th Court, Grimes Asphalt and Paving Corporation.
 - (E) [Gray's](#) Parkway from SW 11th Street to SW 12th Street, Absolute Concrete Construction, Inc.
 - (F) [Ingersoll](#) Avenue 42nd Street to Polk Boulevard Reconstruction, Corell Contractor, Inc.
 - (G) [SE](#) 9th Street Storm Water Pump Station and Improvements, Woodruff Construction, Inc.

SPECIAL ASSESSMENTS

14. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2022-13.
15. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2022-04.

LAND/PROPERTY TRANSACTIONS

16. [Acceptance](#) of real estate documents from CFUM, LLC for voluntary acquisition of property located at 1600 9th Street for the North Side Community Recreation Center Project, and dedication of the property as parkland.

[\(Council Communication No. 22-559\)](#)

17. [Receive](#) and file Plan and Zoning Communication regarding Minor Preliminary Plat "Schmidt's Acres," for property located at 1150 NE 52nd Avenue in Saylor Township (unincorporated Polk County), within the two-mile distance for extraterritorial review of subdivision plats, to allow subdivision of the existing property to create one new residential lot and one outlot.

18. [Receive](#) and file Plan and Zoning Communication regarding request from The Oaks on Fleur LLC (Adam Sieren, Officer) for review and approval of the Preliminary Plat “Oaks on Fleur Preliminary Plat” on 0.94 acres of property in the vicinity of 3020 Fleur Drive for development of 15 single-household lots and one outlot for a townhome development.

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. [Recommendation](#) from Council Member Gatto to appoint Claire Kranto to the Housing Appeals Board, Seat 7, to fill a vacancy with a term expiring on April 1, 2025.
- 19-I [Recommendation](#) from Council Member Voss to appoint Teresa Parmenter to Greater Des Moines Sister Cities Commission, Seat 7, expiring April 27, 2023. Sponsors: Mayor Cownie and Mayor Pro Tem Mandelbaum.

SETTING DATE OF HEARINGS

20. [On](#) vacation of an undeveloped segment of E. Fulton Drive right-of-way located within Stone Park at 2100 SE 5th Street, (1-9-23).
21. [On](#) conveyance of City-Owned property to Neighborhood Finance Corporation for redevelopment of housing, (1-9-23).

[\(Council Communication No. 22-561\)](#)

22. [On](#) conveyance of a Permanent Easement for Building Encroachment in property located east of and adjoining 2035 E. Ovid Avenue to Peterson Ventures, LLC, \$225, (1-9-23).
23. [On](#) request from Kary Dunn (Owner) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for property located at 810 E. Euclid Avenue from Low Density Residential within a Community Node to Community Mixed Use within a Community Node and to rezone the property from “N5” Residential District to Limited “MX3” Mixed Use District to allow the expansion of the parking lot to the east (Git-N-Go), (1-9-23).
24. [On](#) request from Neighborhood Development Corp (Abbey Gilroy, Officer) to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for the northernmost portion of the property located at 2211 University Avenue from Low-Medium Density Residential within a Neighborhood Node to Neighborhood Mixed Use within a Neighborhood Node, and to rezone the property from “RX2” Mixed Use District to “MX2” Mixed Use District to allow redevelopment of the site with a new three-story mixed-use building using the Storefront building type, (1-9-23).

25. [On](#) request from Eastgate Plaza, LLC (Norman S. Weinstein, Officer) for review and approval of an 8th amendment to the Eastgate Plaza PUD Conceptual Plan to allow redevelopment of the property at 1514 E. Euclid Avenue with a car wash use, (1-9-23).
26. [On](#) approval of a License Agreement with Waterbury Neighborhood Association in a portion of Ingersoll Avenue right-of-way located west of Polk Boulevard adjoining 600 Polk Boulevard and 601 48th Street, \$1,000, (1-9-23).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Approving](#) payment to Troy Cavil for a Workers' Compensation Claim.
28. [Approving](#) consent to waive conflict of interest in representation by Ahlers & Cooney, PC of the Des Moines Independent Community School District in negotiating a crossing guard agreement with the City of Des Moines.

APPROVING

29. [Urban](#) Renewal Development Agreement with North Des Moines Town Hall, LP (Chaden Halfhill and Kuuku Saah) for renovation of existing building at 1601 6th Avenue.

[\(Council Communication No. 22-579\)](#)

30. [Issuance](#) of Certificate of Completion for 3523 6th Avenue, LLC, Oak Park-Highland Park Urban Renewal Project, for the historic renovation of 3523 6th Avenue.
31. [Issuance](#) of Certificate of Completion for 3750 Grand LLC, 38th and Grand Urban Renewal Project, for the construction of an 8-story building at 3750 Grand Avenue.
32. [Issuance](#) of Certificate of Completion to ILEX Group, Inc., Northeast Gateway 1 Urban Renewal Project, for the construction of two warehouse buildings in the vicinity of 4600 NE 14th Street.
33. [Issuance](#) of Certificate of Completion to Spot 515, LLC for a commercial project at 515 28th Street.
34. [Issuance](#) of Certificate of Completion to 217 E Second LC for development of a building located at 217 E. 2nd Street.
35. [Reassignment](#) of Development Agreement by Central State Bank to East Village Tower Partners, LLC for the rehabilitation of the building at 600 E. 5th Street.

36. [Grant](#) Agreement with Center at Sixth for construction of a new mixed-use project at 1714 6th Avenue in the Metro Center Urban Renewal Area, not to exceed \$300,000.

[\(Council Communication No. 22-578\)](#)

37. [Grant](#) Agreement with World Food Prize Foundation for capital improvements, \$75,000.

- ~~38. [Rental](#) Enhancement Program Policy and Procedures to address separation of shared forced air heating sources and knockout panels.~~

~~[\(Council Communication No. 22-560\)](#)~~

39. [City](#) Street Financial Report to Iowa Department of Transportation (IDOT) for fiscal year 2022.

[\(Council Communication No. 22-567\)](#)

40. [Receipt](#) and refer communication from the Zoning Board of Adjustment regarding request for Development Services Department to review the separation distance requirements for restaurant and retail uses selling alcoholic liquor, wine and beer in certain zoning districts.

41. [Appointment](#) of Major David Ness and Superintendent of Technical Services Michele Bischof as the Primary Members of the Joint 911 Service Board with Bradley Button, Katie McGhee and Fire Marshal Jonathan Lund serving as alternate members.

42. [Appointing](#) Josh Mandelbaum and T.M. Franklin Cownie as the Primary and Alternate Members to the Des Moines Area Regional Transit (DART) Authority for Calendar Year 2023.

43. [Appointing](#) T.M. Franklin Cownie, Joe Gatto and Linda Westergaard as Primary Representatives and Matt Anderson, Pam Cooksey and Malcolm Hankins as Alternate Representatives to the Wastewater Reclamation Authority Management Agency for Calendar Year 2023.

44. [Appointing](#) T.M. Franklin Cownie, Connie Boesen, Carl Voss, Joe Gatto and Josh Mandelbaum as Primary Members and Scott Sanders, Matt Anderson, Pam Cooksey and Malcolm Hankins as Alternate Members to the Metropolitan Planning Organization (MPO) Policy Committee; and appointing T.M. Franklin Cownie and Joe Gatto to the MPO Executive Committee; and appointing Steve Naber, John Davis and Michael Ludwig as Primary Members and Thomas Vlach, Jennifer Dakovich and Bert Drost as Alternate Members to the MPO Transportation Technical Committee (TTC) for Calendar Year 2023.

45. [Appointing](#) Joe Gatto as Primary Member and Indira Sheumaker as Alternate Member to the Metro Waste Authority (MWA) for Calendar Year 2023.

- 46. [Appointment](#) of Chas Cahill as an Assistant City Attorney I to fill a vacancy in the Legal Department.
- 47. [Communication](#) from the Greater Des Moines Partnership on behalf of the Iowa Credit Union League, requesting approval of placement for up to 70 banners to be displayed on banner poles in downtown Des Moines beginning the first week of January 2023.
- 48. [Receipt](#) of Des Moines Water Works budget for calendar year ending December 31, 2023.
- 49. Abatement of public nuisances as follows:
 - (A) [831](#) 26th Street.
 - (B) [1220](#) E. Aurora Avenue.
 - (C) [2626](#) Prospect Road.
 - (D) [1900](#) E. 21st Street.
 - (E) [826](#) E. 9th Street.
- 50. [Purchase](#) from Norstan Communications, Inc. d/b/a Black Box Network Services (EV Styles, CEO) for telephone maintenance and support services for Siemen’s Telephone Equipment and System per 2021 Master Order Agreement for use by the Information Technology Department, \$72,603.

[\(Council Communication No. 22-557\)](#)

- 51. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 12, 19, 26, 2022 and January 2, 2023; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 12, 19, 26, 2022 and January 2, 2023; to draw checks for biweekly payroll due December 16 and 30, 2022.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 68)

- 52. [On](#) vacation of a portion of E. Walnut Street and E. 4th Street right-of-way adjoining 321 E. Walnut Street and conveyance of a sidewalk café lease to Northwestern Hospitality, LLC for \$643 per year.
 - (A) [First](#) consideration of ordinance above.
- 53. [On](#) vacation of Dixon Court right-of-way adjoining 1626 Dixon Street and conveyance to Liberty Holdings, Inc., \$8,440.
 - (A) [First](#) consideration of ordinance above.

54. [On](#) conveyance of a portion of vacated SE 4th Street right-of-way adjoining 403 Scott and 605-619 SE 4th Street to Artistic Iron Properties, LC, \$32,100.
55. [On](#) request from City of Des Moines and Board of Water Works Trustees (Ted Corrigan, Officer) for property located in the vicinity of 2508 George Flagg Parkway to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park to Industrial, and to rezone the property from “EX” Mixed Use District to limited “I1” Industrial District to allow outdoor storage that would be accessory to an office and garage building, continued from November 21, 2022 Council Meeting.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Des Moines Water Works), requires six votes.
56. [On](#) request from Alejandro J. Munoz De La Cruz (Owner) for property located at 1117 26th Street to rezone the property from “N5” Neighborhood District to “N5-2” Neighborhood District to allow reuse of the existing structure for a duplex use.
- (A) [First](#) consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Michael Ludwig, Deputy Director of Development Services), requires six votes.
57. [On](#) the proposition to authorize a lease purchase agreement in the principal amount not-to-exceed \$100,000 for the purpose of acquiring certain items of equipment consisting of three (3) electric vehicles for use by the Des Moines Public Library.

[\(Council Communication No. 22-555\)](#)

58. [On](#) Amended and Renewed Annexation Moratorium Agreement and 28E Agreement with the City of Pleasant Hill.
59. [On](#) 2023 Traffic Signal Replacement Contract 2: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Iowa Signal, Inc. (Wayne Lesley, President), \$576,135.68.

[\(Council Communication No. 22-570\)](#)

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

60. [On](#) Des Moines Levee Alterations – Phase C: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Peterson Contractors, Inc. (Cordell Peterson, President), \$17,388,129.50.

[\(Council Communication No. 22-572\)](#)

- (A) [Approval](#) of contract and bond and permission to sublet.
- (B) [Approving](#) Supplemental Agreement No. 6 to the Professional Services Agreement with Barr Engineering Company for Des Moines Levee Alterations – Phase C, not to exceed \$1,745,500.

[\(Council Communication No. 22-563\)](#)

61. [On](#) Drake Observatory Foundation Repair: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Gruss Construction, LLC (Derek J. Gruss, Owner), \$360,940.

[\(Council Communication No. 22-564\)](#)

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

62. [On](#) Evelyn K. Davis Park Basketball Court Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Gruss Construction, LLC (Derek J. Gruss, Owner), \$573,487.

[\(Council Communication No. 22-571\)](#)

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

63. [On](#) Hamilton Drain Storm Water Improvements Phase 3: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as RW Excavating Solutions, LC (Dan E. Wilson, Managing Member), \$7,723,556.90.

[\(Council Communication No. 22-574\)](#)

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

64. [On](#) Harriet Street Solar Field: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Van Maanen Electric, Inc. (Nathan S. Van Maanen, President), \$1,983,314.

[\(Council Communication No. 22-575\)](#)

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

65. [On](#) Intelligent Transportation System Phase 3: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Iowa Signal, Inc. (Wayne Lesley, President), \$1,959,104.35.

[\(Council Communication No. 22-576\)](#)

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

66. [On](#) McKinley Avenue Reconstruction from South Union Street to SW 9th Street: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as All Star Concrete, LLC (Alex Vazquez, Member and Manager), \$5,065,871.77.

[\(Council Communication No. 22-577\)](#)

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

67. [On](#) SE 6th Street Reconstruction from E. Hillside Avenue to E. Edison Avenue: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Brothers Cleaning Corporation (Josecito Valero, President), \$389,710.

[\(Council Communication No. 22-573\)](#)

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

68. [On](#) University Avenue – 39th Street to 25th Street Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as All Star Concrete, LLC (Alex Vazquez, Member and Manager), \$3,052,375.

([Council Communication No. 22-553](#))

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

END HEARINGS AT _____PM

ORDINANCE FIRST CONSIDERATION

- 69. [Amending](#) Chapter 114 of the Municipal Code regarding code change to match field conditions on the east and west sides of 7th Street between Grand Avenue and High Street.

([Council Communication No. 22-552](#))

- 70. [Amending](#) Chapter 74 of the Municipal Code regulating parks and recreational facilities, fees, and mobile food vendors in designated parks.

([Council Communication No. 22-554](#))

- (A) [Final](#) consideration of ordinance above (waiver requested by Benjamin Page, Parks and Recreation Director), requires six votes.
- (B) [Approval](#) of updated City of Des Moines Parks and Recreation rules.

([Council Communication No. 22-556](#))

- 71. [Amending](#) Chapter 60 of the Municipal Code relating to the Housing Code.

([Council Communication No. 22-566](#))

- 72. [Amending](#) Section 2-62 of the Municipal Code relating to the salary of mayor and council members.

COMMUNICATIONS/REPORTS

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

- (A) Adam Callanan
- (B) Bridget Botkin
- (C) RJ Miller
- (D) Sam Davis

MOTION TO ADJOURN.

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