

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

March 6, 2023
5:00 P.M.

SPECIAL PRESENTATION – 4:45 P.M.

Check presentation from Polk County and Prairie Meadows

PROCLAMATION – 4:50 P.M.

Women’s History Month

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 44:

***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 Applications for the following:

NEW APPLICATION

(A) DAVIS BALL PARK	4980 E 46TH ST	Special Class C
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RENEWAL APPLICATIONS

(B) BELLHOP	440 E GRAND AVE	Class C Liquor
(C) BUZZARD BILLYS	615 3RD ST	Class C Liquor
(D) CASEYS #3915	3200 SW 9TH ST	Class B Retail
(E) CHUCKS	3608 6TH AVE	Class C Liquor
(F) DOLLAR GENERAL #313	2574 HUBBELL	Class B Retail
(G) EL POLLO CATRACHO	4100 SE 14TH ST	Class C Liquor

PUBLIC IMPROVEMENTS

7. [Ordering](#) construction of 2023 Sidewalk Replacement Program: Receiving of bids, (3-28-23) and Setting date of hearing, (4-10-23), Engineer's estimate, \$425,000.

[\(Council Communications No. 23-113\)](#)

8. [Approving](#) and adopting the Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual, 2023 Edition, SUDAS Standard Specifications, 2023 Edition, and the City of Des Moines General Supplemental Specifications to the SUDAS Standard Specifications, 2023 Edition, as the official design standards and standard specifications and supplemental specifications for the City of Des Moines.

[\(Council Communication No. 23-119\)](#)

9. Accepting completed construction and approving final payment for the following:
 - (A) [2021](#) Parking Garage Repair Program, Fisher Building Services, Inc.
 - (B) [Bell](#) Avenue Reconstruction from SW 9th Street to SW 12th Street, Grimes Asphalt and Paving Corporation.

SPECIAL ASSESSMENTS

10. Re-levying corrected assessments for costs of nuisance abatement on certain properties in the following schedules:

[\(Council Communication No. 23-117\)](#)

- (A) [Schedule](#) No. 2022-10.
- (B) [Schedule](#) No. 2022-11.
- (C) [Schedule](#) No. 2022-12.
- (D) [Schedule](#) No. 2022-13.
- (E) [Schedule](#) No. 2023-01.

LAND/PROPERTY TRANSACTIONS

11. [Accepting](#) PUD restoration bond for grading work at Gray's Station Plat 5 and to continue to March 27, 2023 at the request of the Developer.

[\(Council Communication No. 23-128\)](#)

12. [Dedicating](#) a portion of Martin Luther King Jr. Parkway right-of-way on the northeast corner of Martin Luther King Jr. Parkway and Clark Street.

13. [Approving](#) tax abatement applications for the additional value added by improvements completed in 2021 (1) and 2022 (70).

[\(Council Communication No. 23-129\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Approving](#) appointment of Tai Lieu as Alternate A and Jaki Livingston as Alternate B Representatives for the City of Norwalk to the Greater Des Moines Sister Cities Commission effective as of February 2, 2023.
15. [Recommendation](#) from Council Member Boesen to appoint Tyler Strub to the Building and Fire Code Board of Appeals, Seat 2, for a three-year term expiring April 1, 2024.

COMMUNICATIONS FROM PLANNING AND ZONING

16. [Regarding](#) request from Aurora Avenue Bible Church (Mike Cornelison, Officer) for review and approval of a Major Preliminary Plat “Aurora Avenue Bible Church Plat 1,” for property located at 45 NW Aurora Avenue in Saylor Township (unincorporated Polk County), which is within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow subdivision of the existing property for two (2) lots, including one (1) lot for the existing church use and one (1) lot for a one-household residential use.
17. [Regarding](#) request for review and approval of the Preliminary Plat “Gray’s Station Plat 5” in the vicinity of 1300 Tuttle Street, which would allow for the development of 65 one-household residential lots, one lot containing 2 condo buildings for a total of 84 residential units, a clubhouse amenity building, and two outlots and to continue to March 27, 2023 at the request of the Developer.

SETTING DATE OF HEARINGS

18. [On](#) conveyance of a portion of vacated 41st Street located east of and adjoining 545 42nd Street by installment contract to St. Augustin’s Church of Des Moines, \$73,000, (3-27-23).
19. [On](#) request from Penske Truck Leasing Company, LP (Guy Holbert, Officer) for property located at 4101 E. 14th Street to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for approximately 1.03 acre of the western portion of the property from Community Mixed Use to Industrial, and to rezone the entire property from “MX3-V” Mixed Use District to “I1” Industrial District, to allow the expansion and site improvements for the existing truck parking facility, (3-27-23).

20. [On](#) request from Westco Hull, LLC (Derek West, Officer) for property located at 2101 Hull Avenue to amend PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for the eastern portion of the property from Low Density Residential to Industrial, and to rezone the property from “I1” Industrial District and “N3a” Neighborhood District to Limited “I1” Industrial District to allow for a use that includes office and industrial components, (3-27-23).
21. [On](#) request from Twenty-Five Thirteen Woodland, LLC (Steve Wilke-Shapiro, Officer) for designation of the property at 2513 Woodland Avenue, including a commercial structure, as a Local Landmark named “Harlan’s Barbershop”, (3-27-23).
22. [On](#) request from Fort Des Moines Memorial Park, Inc. (Jack Porter, Officer) for designation of the property at 75 E. Army Post Road, including Clayton Hall Museum and Chapel, as a Local Landmark named “Fort Des Moines Memorial Park”, (3-27-23).
23. [On](#) approval of the 2022 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER), (3-27-23).
24. [On](#) reprogramming of prior year’s unspent Community Development Block Grant (CDBG) Funds, a substantial amendment to the 2023 Action Plan with the U.S. Department of Housing and Urban Development (HUD) under the 2020-2024 Consolidated Plan, (4-10-23).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. [Approving](#) payment to Lourdes Hadenfeldt.
26. [Approving](#) payment to Des Moines Area Community College for a property damage claim and authorizing execution of a release and settlement agreement.

APPROVING

27. Number not used.
28. [Preliminary](#) terms of an Urban Renewal Development Agreement with HOA Development, LLC for the construction of a 186-unit mixed-use apartment building located at 603 E. 6th Street.

[\(Council Communication No. 23-124\)](#)

29. [First](#) amendment to Urban Renewal Development Agreement for sale of land for private redevelopment with Des Moines Climate Controlled Self Storage, LLC for property located at 503 SE 12th Street.

[\(Council Communication No. 23-120\)](#)

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

[\(Council Communication No. 23-131\)](#)

31. [Fourth](#) amendment to Urban Renewal Development Agreement for sale of land for private redevelopment with 101 East Grand Parking, LLC.

[\(Council Communication No. 23-121\)](#)

32. Number not used.

33. [ARPA](#) funding agreement with Des Moines Area Religious Council.

[\(Council Communication No. 23-133\)](#)

34. [ARPA/LOSST](#) funding agreement with Des Moines Public Schools for food pantry program.

[\(Council Communication No. 23-133\)](#)

35. [Renewal](#) of United States Department of Transportation and Iowa Department of Transportation Standard Title VI Assurances and Agreement.

[\(Council Communication No. 23-118\)](#)

36. [Agreement](#) with Iowa State University of Science and Technology (ISU) for application of technology-based solutions to assess property conditions.

[\(Council Communication No. 23-130\)](#)

37. [Acceptance](#) of 2019 Homeland Security Reallocation Grant program award.

[\(Council Communication No. 23-132\)](#)

38. [First](#) Amendment to 28E Agreement with Des Moines Water Works and Des Moines Water Works Park Foundation for construction and funding of Fleur Drive underpass regarding amount of Foundation funding thereunder.

[\(Council Communication No. 23-116\)](#)

39. [Second](#) amended and restated receipt of a Certified Local Government (CLG) Grant Award from the State Historical Society of Iowa to partially fund development of a city-wide preservation plan.

39-I [Release](#) of Fire Escrow at 1200 Lewis Avenue.

40. Abatement of public nuisances as follows:

- (A) [267](#) E. 16th Street.
- (B) [2445](#) E. Grand Avenue.
- (C) [1919](#) E. 9th Street.

41. [Annual](#) agreement with four (4) additional one (1) year renewal options for concrete construction services with J & J Construction Corp. (Jody Zuniga, President) and Neumann Brothers, Inc. (Mike Simpson, President) for use by the Parks and Recreation Department and the City Manager, Facilities Division, total estimated annual amount \$270,000. (Eighty-nine (89) potential bidders, three (3) bids received).

42. [Additional](#) funds of \$78,036 for purchase of ballistic personal protection systems for use by the Police Department, total estimated annual amount \$198,036.

[\(Council Communication No. 23-108\)](#)

43. [Additional](#) funds of \$750,000 for the annual agreement with Genuine Part Company d/b/a NAPA Auto Parts for integrated supply services for use by the Fleet Services Division, total estimated annual amount \$3,750,000.

[\(Council Communication No. 23-115\)](#)

44. [Authorizing](#) Finance Director to draw checks on registers for the weeks of March 6, 13 and 20, 2023; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 6, 13 and 20, 2023; to draw checks for biweekly payroll due March 10 and 24, 2023.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 45 THRU 62)

45. [On](#) conveyance of City-owned property to NFC Properties, LLC for redevelopment of housing.

[\(Council Communication No. 23-114\)](#)

46. [On](#) conveyance of excess City property locally known as 85 Jefferson Avenue to LT Leon Associates, Inc, \$15,000.

[\(Council Communication No. 23-125\)](#)

47. [On](#) conveyance of excess City property locally known as 1439 and 1445 Michigan Street to TD & MD, LLC, \$40,000.

[\(Council Communication No. 23-126\)](#)

48. [On](#) approval of documents for a land exchange agreement with Jerry’s Homes, Inc. for property located between E. Payton Avenue and E. Army Post Road for the Carlisle Trail Connection Project.
49. [On](#) request from Urban Dreams (Izaah Knox, Officer) to amend the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Industrial to Community Mixed Use and to rezone 1615 2nd Avenue from “I1” Industrial District to “MX3” Mixed Use District to allow renovation and reuse of the existing building for “Office” and “Assembly” uses.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.
50. [On](#) request from WC MRP Des Moines Center, LLC (Natin Paul, Officer) for review and approval of a first amendment to the Southdale PUD Conceptual Plan at 4900 SE 14th Street to allow expansion of a retail use (Home Depot) to include additional outdoor display and merchandising in the parking lot.
51. [On](#) request from Hubbell Realty Company (Caleb Smith, Officer) for review and approval of a first amendment to the Gray’s Station PUD Conceptual Plan for property located in the vicinity of 1300 Tuttle Street to update the realignment of SW 13th Street and to revise review requirements for future PUD Development site plans **and to continue to March 27, 2023 at the request of the Developer.**
52. [On](#) requests from Hubbell Realty Company (Caleb Smith, Officer) for review and approval of PUD final development plan for “Grays Station Telus Condos” for property located in the vicinity of 1300 Tuttle Street to allow development of the property with the construction of two condo buildings containing 84 residential units **and to continue to March 27, 2023 at the request of the Developer.**
53. [On](#) request from Hubbell Realty Company (Caleb Smith, Officer) for review and approval of the PUD final development plan for “Gray’s Station Plat 5 Townhomes and Clubhouse” for property located in the vicinity of 1300 Tuttle Street to allow for construction of 65 townhomes and a clubhouse amenity building **and to continue to March 27, 2023 at the request of the Developer.**

54. On request from Gassmann Real Estate, LLC (Jason Gassmann, Officer) regarding an appeal of the denial of Type 2 Design Alternatives to the site plan necessary for construction of a 10-foot-tall, electrified security fence on property located at 2822 6th Avenue. (**Choose one Alternative below**)

(A) To DENY.

OR

(B) To APPROVE.

55. On the proposed Urban Renewal Plan for the Airport Development Urban Renewal Area.

([Council Communication No. 23-122](#))

(A) Resolution of necessity.

56. On the proposed Urban Renewal Plan for the Upper East Village Urban Renewal Area and **to continue the hearing to March 27, 2023.**

([Council Communication No. 23-123](#))

(A) Setting date of hearing on a proposed amendment to the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Public/Semi-Public to Downtown Mixed Use for the area bound by Pennsylvania Avenue on the west, Des Moines Street on the south, E. 9th Street on the east, and the freeway (I-235) on the north, (3-27-23).

57. On 2023 HMA Resurfacing Program Contract 1: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Grimes Asphalt and Paving Corporation (Timothy Mallicoat, President), \$955,593.95.

([Council Communication No. 23-109](#))

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

58. On 2023 Neighborhood Sidewalk Program Contract 1: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as TK Concrete, Inc. (Tony J. Ver Meer, President), \$704,530.

[\(Council Communication No. 23-106\)](#)

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

59. On 3rd & Court Parking Garage Elevator Replacement: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as TK Elevator Corporation (Kevin Lavallo, President), \$437,000.

[\(Council Communication No. 23-111\)](#)

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

60. On Easter Lake Drive Sidewalk from Indianola Avenue to Easter Lake Park: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as TK Concrete, Inc. (Tony J. Ver Meer, President), \$1,931,910.75.

[\(Council Communication No. 23-112\)](#)

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

61. On Guthrie Avenue Trail from E. 21st Street to Hubbell Avenue: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as TK Concrete, Inc. (Tony J. Ver Meer, President), \$1,251,035.

[\(Council Communication No. 23-107\)](#)

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

62. [On](#) Woodland Cemetery Roadway Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as MPS Engineers, PC d/b/a Kingston Services, PC (Umesh G Shetye, President), \$709,181.

([Council Communication No. 23-110](#))

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

END HEARINGS AT _____ P.M.

ORDINANCES – SECOND CONSIDERATION

63. [Rezone](#) 4415 Hubbell Avenue from “MX3” Mixed Use District to Limited “CX” Mixed Use District to allow use of the property for auto body painting.
- (A) Final consideration of ordinance above (waiver requested by Larry D. Sprague, Jr.), requires six votes.

ORDINANCES – FIRST CONSIDERATION

64. [Amending](#) Sections 134-3.6.3, 134-3.9.6 and Section 135-8.2.2 relating to outdoor storage.

APPROVING II

65. [Voluntary](#) agreement on wages with AFSCME Council 61 Local 3673 for fiscal year FY2024.

([Council Communication No. 23-104](#))

66. [Agreement](#) with Municipal Employees Association (MEA) for the period July 1, 2023 through June 30, 2026.

([Council Communication No. 23-105](#))

COMMUNICATIONS/REPORTS

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

- (A) Chris Robinson
- (B) Harvey Harrison
- (C) Jean O'Donnell
- (D) Veola Perry
- (E) Jolene Prescott
- (F) Tom Rendon
- (G) Adam Callanan
- (H) Lori Ann Young

MOTION TO ADJOURN.

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