The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '20-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING
MSC Board Room, Municipal Services Center
1551 E. M. L. King Jr. Pkwy
Des Moines, Iowa 50317

May 18, 2020
4:30 PM

_Iowa Code Section 21.4 requires that each Council meeting shall be held at a place reasonably accessible to the public and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impracticable. Given the Governor's prohibition on gatherings of ten or more persons during the COVID19 outbreak and further given Section Nine of the Governor’s March 19, 2020 proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, the City Council has determined that a meeting at a physical place is impossible or impracticable and all Council meetings for the time being will be conducted electronically with the public allowed to attend per the instructions on this agenda. Meeting minutes will continue to be provided per the City’s normal course of business. Mayor and Council will be participating by ZOOM meeting due to COVID-19. The public can participate by using the information below:_

Topic: Regular City Council Meeting
Time: May 18, 2020 04:30 PM Central Time (US and Canada)

Join Zoom Meeting
https://zoom.us/j/85762211036?pwd=Zlo5cmE0OTljV2dvbW1Rbm1iOGVqdz09

Meeting ID: 857 6221 1036
Password: 028283
Dial by your location

833 548 0276 US Toll-free

Meeting ID: 857 6221 1036

PROCLAMATIONS

National Public Works Week

Asian American and Pacific Islander (AAPI) Day Against Bullying and Hate


20-0802 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt. Motion Carried 7-0.

20-0803 3. APPROVING CONSENT AGENDA * – items 3 through 41: Moved by Gatto to adopt the balance of the consent agenda. Motion Carried 7-0.

*Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.

LICENSES AND PERMITS

20-0804 4. Approving Alcoholic Beverage License Applications for the following: Moved by Gatto to adopt all except item BB. Motion Carried 7-0. Moved by Gatto to continue item BB to the June 8, 2020 Council meeting. Motion Carried 7-0.

NEW APPLICATIONS

(A) ALLORA CAFE 1459 GRAND AVE C Liquor
(B) CHOCOLATERIE STAM 2814 INGERSOLL B Beer
(C) KUM & GO #7701 319 7TH ST E Liquor
(D) SCOTISH RITE PARK 2909 WOODLAND A Liquor

RENEWAL APPLICATIONS

(E) APRILS SUNRISE TAP 4155 EASTON BLVD C Liquor
(F) CARLS PLACE 1620 WOODLAND C Liquor
(G) CONTINENTAL 428 E LOCUST ST C Liquor
(H) CVS PHARMACY #10329 2303 MERLE HAY RD E Liquor
(I) DES MOINES CIVIC CENTER 221 WALNUT ST C Liquor
(J) EASYGO  2723 GRAND AVE  E Liquor
(K) ELWELL FAMILY FOOD  3000 E GRAND AVE  C Liquor
(L) GARDEN NIGHTCLUB  112 SE 4TH ST  C Liquor
(M) GAZALIS  1205 25TH ST  C Beer/Wine
(N) GIT N GO STORE #31  2601 SW 9TH ST  C Beer
(O) GRUMPY GOAT  1303 WALNUT ST  C Liquor
(P) HOYT SHERMAN PLACE  1501 WOODLAND  C Liquor
(Q) HY VEE MARKET GRILL  1107 E ARMY POST  C Liquor
(R) JALAPENO PETE'S CANTINA  3000 E GRAND AVE  C Beer/Wine
(S) LA TAPATIA 4  1606 6TH AVE  C Beer
(T) LOUIES WINE DIVE  4040 UNIVERSITY  C Liquor
(U) LUCCA  420 E LOCUST ST  C Liquor
(V) MERCYONE DM MEDICAL  1111 6TH AVE  C Liquor
(W) MICHELLES  3925 E 14TH ST  C Liquor
(X) MOTLEY SCHOOL TAVERN  1903 BEAVER AVE  C Liquor
(Y) MULLET'S  1300 SE 1ST ST  C Liquor
(Z) MY BROTHERS PLACE  2400 DEAN AVE  C Liquor
(AA) QUICK STAR  2701 INGERSOLL  C Beer
(BB) SOUTH SIDE FOOD MART  1101 ARMY POST RD  E Liquor
(CC) SPAGHETTI WORKS  310 COURT AVE  C Liquor
(DD) ST KILDA BAKERY AND CAFE  300 SW 5TH ST  C Liquor
(EE) STATION ON INGERSOLL  3124 INGERSOLL  C Liquor

5. City Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt.** Motion Carried 6-1. Nays: Cownie.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

20-0805  5th/Keo Way Parking Garage Elevator Replacement: Receiving of bids, (6-9-20) and Setting date of hearing, (6-22-20). Engineer’s estimate, $950,000. (Council Communication No. 20-216) **Moved by Gatto to adopt.** Motion Carried 7-0.

20-0807  6th Avenue Streetscape – College Avenue to University Avenue: Receiving of bids, (6-16-20), Setting date of hearing, (7-13-20). Engineer’s estimate, $3,867,486.70. (Council Communication No. 20-223) **Moved by Gray to adopt.** Motion Carried 7-0.

20-0808  2020 HMA Resurfacing Program Contract 2: Receiving of bids, (6-9-20), Setting date of hearing, (7-13-20). Engineer’s estimate, $500,000. (Council Communication No. 20-221) **Moved by Gatto to adopt.** Motion Carried 7-0.
7. Items regarding the proposed 2nd Avenue Reconstruction from University Avenue to the Des Moines River: (Council Communication No. 20-220)

20-0809  
(A) Approving the concept plan. Moved by Gray to adopt. Motion Carried 6-1. Nays: Voss.

20-0810  
(B) Approving Professional Services Agreement with Bolton & Menk, Inc., not to exceed $485,929. Moved by Gray to adopt. Motion Carried 6-1. Nays: Voss.

20-0811  
8. Approving Professional Services Agreement with Felsburg Holt & Ulleveig, Inc. for Southwest Infrastructure and Planning Study, not to exceed $322,811. (Continued from the May 4, 2020 Council meeting) (Council Communication No. 20-225) Moved by Gatto to adopt. Motion Carried 7-0.

20-0812  
9. Approving Private Construction Contract between The Hansen Company, Inc. and Kum & Go, LC for storm sewer improvements in 3401 University Avenue. Moved by Gatto to adopt. Motion Carried 7-0.

20-0813  
10. Communication from contractors requesting permission to sublet certain items on public improvement projects. Moved by Gatto to adopt. Motion Carried 7-0.

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

20-0814  
(A) 2019 Parking Garage Repair Program, Golf Acquisition Group, LLC d/b/a Golf Construction. Moved by Gatto to adopt. Motion Carried 7-0.

20-0815  
(B) Simon Estes River Sheeting, Cramer and Associates, Inc. Moved by Gatto to adopt. Motion Carried 7-0.

BOARDS/COMMISSIONS/NEIGHBORHOODS

20-0816  
12. Recommendation of Council Member Gray for appointment of Matt Connolly to the Housing Services Board, Seat 4, for the term expiring June 30, 2021. Moved by Gatto to adopt. Motion Carried 7-0.

20-0817  
13. Recommendation of Council Member Gray to reappoint Kameron Middlebrooks to the Des Moines Civil and Human Rights Commission, Seat 4, for the term expiring March 31, 2023. Moved by Gatto to adopt. Motion Carried 7-0.

20-0818  
14. Communication from Rachelle Hunt advising of her resignation from the Des Moines Civil and Human Rights Commission, Seat 7, effective immediately. Moved by Gatto to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.

20-0819  
15. Recommendation from Council Member Gatto to appoint Webster Kranto to the Des Moines Civil and Human Rights Commission, Seat 7, for the term ending on March 31, 2023. Moved by Gatto to adopt. Motion Carried 7-0.
SETTING DATE OF HEARINGS

20-0820  16. On request from Des Moines Area Religious Council (DMARC) (Matt Unger, Officer) to amend the PlanDSM: Creating Our Tomorrow future land use designation and rezone 100 Army Post Road from “MX2” (Mixed-Use) to “EX” (Mixed Use), to allow for the applicant to consolidate its non-profit food bank distribution operation and headquarters to one location with offices, warehousing and distribution within the existing building, (6-8-20). Moved by Gatto to adopt. Motion Carried 7-0.

20-0821  17. On request from Casey’s Marketing Company (Marni Beck, Officer) for review and approval of a PUD Final Development Plan “Casey’s Store No. 1192” for 3200 SW 9th Street, to allow redevelopment of the existing 21,664-square foot general food sales store with a 4,817-square foot gas station/convenience store to include a pump island canopy with 14 fueling locations, (6-8-20). Moved by Gatto to adopt. Motion Carried 7-0.

20-0822  18. On intent to commence a public improvement project to construct the Southeast Connector – SE 30th Street to U.S. Highway 65 Project and to authorize acquisition of the necessary property interests, including agricultural land, for the project, (6-8-20). Moved by Gatto to adopt. Motion Carried 7-0.

20-0823  19. On an ordinance amending the electric energy and gas franchises granted to MidAmerican Energy Company repealing the temporary increase to franchise fee used solely toward payment of the Kragnes V City of Des Moines judgment, (6-8-20). (Council Communication No. 20-212) Moved by Gatto to adopt. Motion Carried 7-0.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

20-0824  20. Approving payment to M. Kevin and Jean McLaughlin for property damage. Moved by Gatto to adopt. Motion Carried 7-0.

20-0825  21. Approving payment to Khy’la Williams and Kimberly Williams on behalf of her minor child. Moved by Gatto to adopt. Motion Carried 7-0.

APPROVING

20-0826  22. Grant agreements with the U.S. Department of Housing and Urban Development (HUD) for funding the City’s first year (2020) Action Plan of the 2020-2024 HUD Consolidated Plan. (Council Communication No. 20-226) Moved by Gatto to adopt. Motion Carried 7-0.

20-0827  23. Community Development Block Grant (CDBG) agreement with Youth and Shelter Services (YSS), doing business as Iowa Homeless Youth Centers (IHYC), for acquisition of 2705 E. Euclid Avenue. (Council Communication No. 20-227) Moved by Gatto to adopt. Motion Carried 7-0.
20-0828 24. Youth Homeless Demonstration Program funding allocations. (Council Communication No. 20-229) Moved by Gatto to adopt. Motion Carried 7-0.

20-0829 25. Naming of the Riverview Park Stage the Polk County Front Row Plaza. Moved by Gatto to adopt. Motion Carried 7-0.

20-0830 26. Naming of the access road at Riverview Park the Bill and Pam Thompson Parkway. Moved by Westergaard to adopt. Motion Carried 7-0.

20-0831 27. Waiver and consent to conflict of interest in representation by Ahlers & Cooney, PC of the Des Moines Airport Authority in an agreement with the City of Des Moines regarding RISE grant improvements for Cowles Drive. Moved by Gatto to adopt. Motion Carried 7-0.

20-0832 28. Amended Parking Meter Rate and Time Zone 1. Moved by Gatto to adopt. Motion Carried 7-0.

20-0833 29. Application for the Patrick Leahy Bulletproof Vest Program through the Department of Justice. (Council Communication No. 20-230) Moved by Gatto to adopt. Motion Carried 7-0.

20-0834 30. Application in partnership with the Des Moines Public Schools for FY 2020 Community Oriented Policing Services (COPS) School Violence Prevention Program Grant to the Department of Justice, $219,874. (Council Communication No. 20-231) Moved by Gatto to adopt. Motion Carried 7-0.

20-0835 31. Application for FY2020 Law Enforcement Mental Health and Wellness Act Grant. (Council Communication No. 20-231) Moved by Gatto to adopt. Motion Carried 7-0.

20-0836 32. Grant application for the Coronavirus Emergency Supplemental Funding Program. (Council Communication No. 20-231) Moved by Gatto to adopt. Motion Carried 7-0.

20-0837 33. Receive and file Stormwater Advisory Committee Policy and Rules and making appointments as follows: (Council Communication No. 20-222) Moved by Gatto to receive and file the revised Stormwater Infrastructure Committee Policy and Rules. Motion Carried 7-0.

20-0838 (A) Council Member Gray, Ward 1, appointee Gloria Hoffmann. Moved by Gatto to adopt. Motion Carried 7-0.

20-0839 (B) Council Member Westergaard, Ward 2, appointee Nancy Suby-Bohn. Moved by Gatto to adopt. Motion Carried 7-0.

20-0840 (C) Council Member Mandelbaum, Ward 3, appointee Kathy Fehrman. Moved by Gatto to adopt. Motion Carried 7-0.

20-0841 (D) Council Member Gatto, Ward 4, appointee Bob Wilson. Moved by Gatto to adopt. Motion Carried 7-0.
34. Number not used.

20-0842 35. Rescinding current schedule of administrative penalties for violations of Chapter 46, Fire Prevention and Protection, and approving and adopting an updated schedule of administrative penalties. **(Council Communication No. 20-211) Moved by Gatto to adopt. Motion Carried 7-0.**

20-0843 36. Bid from Hutchinson Salt Co. (Larry Bingham, President) for joint purchase along with the City of West Des Moines, Polk County and 26 other public entities representing the Central Iowa Salt Group (CISG) for rock salt and delivery for use by the Public Works Department, total cost $615,210. (Five potential bidders, three received) **(Council Communication No. 20-213) Moved by Gatto to adopt. Motion Carried 7-0.**

20-0844 37. Civil Service Entrance lists for Housing Case Manager, Senior Public Safety Radio and Data Technician, Senior Refuse Collector and Street Maintenance Worker. **Moved by Gatto to receive and file. Motion Carried 7-0.**

20-0845 38. Authorizing Finance Director to draw checks on registers for the weeks of May 18 and 25, and June 1, 2020; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 18 and 25, and June 1, 2020 and to draw checks for biweekly payroll due May 22 and June 5, 2020. **Moved by Gatto to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

20-0846 39. Amending Sections 42-358 and 42-358.02 relating to notices and administrative hearings for nuisances. **Moved by Gatto that this ordinance do now pass, #15,894. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

20-0847 40. Amending Section 98-55 relating to solid waste charges for collection services. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Gatto.**

20-0848 (A) Final consideration of ordinance above (waiver requested by the City Manager), requires six votes. **Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,895. Motion Carried 6-1. Nays: Gatto.**
41. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(A) Proposed code change to add no standing or stopping on Walnut Street between 8th Street and 9th Street.

(B) Code modification related to parking restriction on west side of 33rd Street, south of Forest Avenue.

(C) Code modifications related to the vacation of E. 15th Street and Fremont Street.

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

**ORDINANCES - FIRST CONSIDERATION**

42. **Amending** Sections 50-26, 50-32.05, 50-34 and 50-35 relating to floodplain development regulations. (Continued from the May 4, 2020 Council Meeting) (Council Communication No. 20-217) **Moved by Gatto to continue to the June 8, 2020 Council meeting. Motion Carried 7-0.**

43. **Amending** Chapter 2, Article VI, cross reference(s), relating to Boards, Commissions, and Agencies by eliminating the citizen odor board and odor appeals board. (Council Communication No. 20-228) **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

44. **Amending** Sections 42-301, 42-303, 42-305, 42-306, 42-307, 42-308, 42-309, 42-310, 42-311, 42-314, 42-317, and repealing 42-313, 42-315 and 42-316 relating to odor control. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 45 THRU 56)**

45. **On** conveyance of vacated alley right-of-way, west of and adjoining 1624 Ohio Street, to Mark C. Daggy and LeeAnn F. Daggy, $337. **Moved by Gray to adopt. Motion Carried 7-0.**

46. **On** request from Savannah Homes, Inc. (Ted Grob, Officer) to rezone 3323, 3335 and 3341 E. 24th Street from “P2” (Public, Civic and Institutional) to “N3a” (Neighborhood), to allow for development of one House Type B single-household residential dwelling. **Moved by Westergaard to adopt. Motion Carried 7-0.**
20-0855  (A) First consideration of ordinance above. Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

20-0856  (B) Final consideration of ordinance above (waiver requested by Ted Grob, President, Savannah Homes, Inc.), requires six votes. Moved by Westergaard that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,896. Motion Carried 7-0.

20-0857  47. On request from Skyline Trucking, Inc. (Ronald Fadness, Officer) to rezone property at 3220 Dixon Street from “I1” (Industrial) to “I2” (Industrial), to allow for future consideration by the Zoning Board of Adjustment of a conditional use for a Fabrication and Production, Intensive use, specifically for a 12,000 gallon above-ground petroleum tank for truck fueling to replace the use of mobile tanks. Moved by Westergaard to adopt. Motion Carried 7-0.

20-0858  (A) First consideration of ordinance above. Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

20-0859  (B) Final consideration of ordinance above (waiver requested by Greg Bruening, President, Skyline Trucking, Inc.), requires six votes. Moved by Westergaard that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,897. Motion Carried 7-0.

20-0860  48. On request from Scottish Rite Park, Inc. (Daniel J. Boor, Officer) to amend the PlanDSM Creating Our Tomorrow Comprehensive Plan Future Land Use designation and rezone 2909 Woodland Avenue from “NX3” (Neighborhood Mix) to “RX1” (Mixed-Use), to allow the applicant to request a Conditional Use Permit for a business selling liquor, wine and/or beer as a restaurant “Bistro” within the existing assisted living residential facility. Moved by Mandelbaum to adopt. Motion Carried 7-0.

20-0861  (A) First consideration of ordinance above. Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

20-0862  (B) Final consideration of ordinance above (waiver requested by Daniel J. Boor, President/CEO, Scottish Rite Park), requires six votes. Moved by Mandelbaum that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,898. Motion Carried 7-0.
49. **On** request from Pinnacle on Fleur, LLC (Randy Walters, Officer) regarding approval of 1st Amendment to the Village at Grays Lake PUD Conceptual Plan for 2710 and 2500 Fleur Drive, to define Lot 5 of the plan to be developed with a 20-unit multi-household rowhome. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

50. **On** request from Walden Point, LP (Robert Burns, Partner) for a 2nd Amendment to the Walden Point PUD Conceptual Plan at 1200 4th Street, to allow use of the 3-story, 60 bed group living, assisted living facility to be converted to units allowing either group living, assisted living facility or multiple household living for seniors. **Moved by Gray to adopt. Motion Carried 7-0.**

51. **Continuing** hearing on request from Anchor Investment Group, LLC (Michael Donlin, Officer) to rezone 901 SE 7th Street and 709 and 714 Vale Street from “N3c” (Neighborhood) to “NX2” (Neighborhood Mix), to allow for development of two rowhouse structures each containing six household units to June 8, 2020. **Moved by Gatto to adopt. Motion Carried 7-0.**

52. **On** approval of an amendment to the Operational Agreement with Childtime Childcare, Inc. for the operation and maintenance of the childcare facility located in the Park & Ride Facility at 610 Center Street. (Council Communication No. 20-214) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

53. **On** proposed amendments to the approved Zoning Ordinance in Chapter 134 of the City Code relating to Lodging – Short-Term Commercial Rental Uses. (Continued from the February 24, 2020 Council Meeting) **Moved by Gatto to adopt and change the amnesty date to July 1, 2020; change the duration of the permit to five years with an additional five-year renewal option granted by the Zoning Board of Adjustment; and owner-occupied definition of six months as the primary residence for the Sherman Hill Neighborhood. Motion Carried 5-2. Nays: Boesen and Mandelbaum.**

(A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Nays: Boesen and Mandelbaum.**

(B) **Final** consideration of ordinance above (waiver requested by Chris Johansen, Community Development Director), requires six votes.
54. **On** E. 29th Street Rehabilitation from Easton Boulevard to Euclid Avenue: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation (Timothy Mallicoat, President), $496,721.63.  (Council Communication No. 20-218) Moved by Westergaard to adopt.  Motion Carried 7-0.

(A) **Approving** contract and bond and permission to sublet.  Moved by Westergaard to adopt.  Motion Carried 7-0.

55. **On** 2020 Municipal Building Reroof: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids and designating lowest responsible bidder as Central States Roofing Co. (Mark. H. Hanson, President), $222,200.  (Council Communication No. 20-219) Moved by Gatto to adopt.  Motion Carried 7-0.

(A) **Approving** contract and bond and permission to sublet.  Moved by Gatto to adopt.  Motion Carried 7-0.

56. **On** River Bend and King Irving Sewer Separation Phase 3A: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids and designating lowest responsible bidder as Rognes Corp. (Warren K. Rognes, President).  $1,154,559.  (Council Communication No. 20-224) Moved by Gray to adopt.  Motion Carried 7-0.

(A) **Approving** contract and bond and permission to sublet.  Moved by Gray to adopt.  Motion Carried 7-0.

*** END OF HEARINGS AT 6:19 PM ***

**MOTION TO ADJOURN.**  Moved by Gray to adjourn at 6:23 PM.  Motion Carried 7-0.

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