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 Mayor Cownie’s March 17, 2020 Proclamation Amendment, as amended, prohibiting indoor gatherings of ten or more persons on public property and Section One of the Governor’s November 10, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and further given Section 111 of the Governor’s November 10, 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 Members will be participating by ZOOM meeting due to COVID-19.

Please click this URL to join.
https://dmgov-org.zoom.us/s/82810302367?pwd=U3NsV3hja3VRWUNrOW92SHpzd01ZQT09
Passcode: 140522

Or join by phone:
Dial(for higher quality, dial a number based on your current location):
US: +1 312 626 6799  or 877 853 5257 (Toll Free)
Webinar ID: 828 1030 2367

I. CLOSED SESSION – 3:45 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.

* * * * * * * * * * * * * * * * * * * * * * * * * * *

1. ROLL CALL:

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

3. APPROVING CONSENT AGENDA * – items 3 through 49:

   *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

4. Approving Alcoholic Beverage License Applications for the following:

   NEW APPLICATIONS
   (A) CLUB 525 525 E GRAND AVE C Liquor
   (B) LA BAJA COSINA MEXICANA 1938 SE 6TH ST C Liquor
   (C) LOS PINOS MEXICAN 3900 E 14TH ST C Liquor

   RENEWAL APPLICATIONS
   (D) BIANCHIS HILLTOP 2820 HUBBELL AVE C Liquor
   (E) C FRESH MARKET 801 UNIVERSITY E Liquor
   (F) FLIX BREWHOUSE IOWA 3800 MERLE HAY RD C Liquor
   (G) GAMEDAY KITCHEN 3800 MERLE HAY RD C Liquor
   (H) HIGH LIFE LOUNGE 200 SW 2ND ST C Liquor
   (I) JUNIPER MOON 2005 INGERSOLL C Liquor
   (J) KUM & GO #208 3200 SE 14TH ST E Liquor
   (K) KUM & GO #4110 *(1) 2110 GUTHRIE AVE E Liquor
   (L) PARK AVENUE PUB 1101 PARK AVE C Liquor
   (M) QUIK TRIP #541 2428 HUBBELL AVE C Beer
   (N) ROYAL MILE 210 4TH ST C Liquor
   (O) SKIPS 4000 FLEUR DR C Liquor
   (P) SLEEPY HOLLOW SPORTS 4051 DEAN AVE C Liquor
5. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Approving Professional Services Agreement with McClure Engineering Co. d/b/a McClure Engineering Company for Design Services for McKinley Avenue Reconstruction (South Union Street – SW 9th Street) Project, not to exceed $331,970.

   (Council Communication No. 20-521)

7. Approving private construction contract between Absolute Solutions, Inc. and Mainframe Studios for paving improvements in 900 Keosauqua Way.

8. Communication from contractors requesting permission to sublet certain items on public improvement project.

9. Accepting completed construction and approving final payment for Gray’s Lake Earthen Berm Stabilization Project.

SPECIAL ASSESSMENTS

10. Levying Assessments for costs of Public Works Sewer Repair Schedule No. 2020-03.

11. Levying assessments for costs of Nuisance Abatement-NAC-Emergency Assessment (Community Development), Schedule No. 2020-09.
BOARDS/COMMISSIONS/NEIGHBORHOODS

12. **Communication** from Chad Zimmerman advising of his resignation from the Transportation Safety Committee, Seat 5, effective immediately.

12I. Recommendation from Mayor Cownie for reappointments to the Water Works Board of Trustees as follows.

- **(A)** Graham Gillette, Seat 4, for a term beginning April 1, 2020 and ending March 31, 2027.
- **(B)** Joel Aschbrenner, Seat 5, for a term beginning April 1, 2021 and ending March 31, 2027.

COMMUNICATIONS FROM PLANNING AND ZONING

13. **Regarding** request from Mundo Pequenito, LLC for vacation of Southwest 1st Street right-of-way adjoining 1922 Southwest 1st Street.

14. **Regarding** request from MidAmerican Energy for vacation of segments of Garver Street right-of-way, Southeast 16th Street right-of-way, and east/west alley right-of-way, in the vicinity of the 900 block of Southeast 15th Street for development of an electrical substation.

SETTING DATE OF HEARINGS

15. **On** request from LaVerne and Maxine Anderson (Owners) to rezone 1100 East Marion Street from “N3a” Neighborhood District to Limited “NX2” Neighborhood Mix District to allow the existing residential dwelling to continue to be used for a group living use, including requiring conditional use approval, (12-7-20).

16. **On** request from Tiger Knight, LLC (Owner) (Barry Nelson, Officer) to amend PlanDSM: Creating Our Tomorrow Future Land Use Designation and to rezone property located at 1210 and 1220 Army Post Road from “RX1” Neighborhood Mix District to Limited “MX3” Mixed Use District to allow use of existing commercial building for a greater variety of permitted mixed uses such as retention of lawncare business in operation on the Property, (12-7-20).

17. **On** request from Morgan Maurer (Owner) to amend PlanDSM: Creating Our Tomorrow Future Land Use Designation and to rezone 2104 East 21st Street from I1 Industrial District to “N3a” Neighborhood District to allow extension of the existing Household Living residential use with addition of a new accessory detached garage, replacing recently demolished detached garage that sustained storm damage with a larger accessory structure, (12-7-20).
18. **On** the vacation of a portion of 25\textsuperscript{th} street and alley right-of-way located between Forest Avenue and Clark Street west of 24\textsuperscript{th} Street and conveyance to Des Moines Independent Community School District, (12-7-20).

19. **On** vacation of a portion of Ashworth Park located north of and adjoining 514 Foster Drive and approval of land exchange agreement with David J. Steffes and Wendy S. Steffes, (12-7-20).

20. **On** issuance of not to exceed $40,000,000 General Obligation Refunding Capital Loan Notes, Series 2021A, (12-7-20).

    (Council Communication No. 20-520)

21. **On** proposition to authorize a short-term lease with U.S.S. Husmann, LLC for the rental of warehouse space for equipment storage at 301 SE 8\textsuperscript{th} Street for the temporary use by the Public Works Department, (12-7-20).

22. Items regarding the Market District in the vicinity of Southeast 4th Street and East Market Street, generally from the Des Moines River on the west to Southeast 5th Street on the east, and from East Vine Street on the north to East Martin Luther King Jr. Parkway on the south:

    (A) **Receive** and file communication from P&Z regarding City initiated vacation of Raccoon Street from Southeast 4th Street to Southeast 5th Street, and the north/south segment of alley between Southeast 4th Street to Southeast 5th Street from Raccoon Street to East Martin Luther King, Jr. Parkway.

    (B) **Receive** and file communication from P&Z regarding approval of a Preliminary Plat “The Market District” covering a 10-block area.

    (C) **Setting** date of hearing on addition of the Market District Large-Scale Development Plan as an amendment to the Market District of the East Village Master Plan Element of the PlanDSM: Creating Our Tomorrow Plan, (12-7-20).

    (D) **Setting** date of hearing regarding City initiated request to rezone property in the area west of Southeast 2nd Street from “DX2” Downtown District to Limited “DXR” Downtown District, (12-7-20).

    (E) **Setting** date of hearing regarding City-initiated request to rezone property in the area east of Southeast 2\textsuperscript{nd} Street from “DX2” Downtown District and/or “P2” Public, Civic and Institutional District to Limited “DX1” Downtown District, (12-7-20).
LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

23. **Payment** to State Farm on behalf of Peach Wise and Richard Agan for property damage claim.

24. **Payment** to MidAmerican Energy for property damage claim.

24I. **Payment** to Belin McCormick Law Firm.

25. **Waiver** and consent to conflict of interest in joint representation by Ahlers & Cooney, P.C. of the cities of Des Moines and Urbandale for drafting a 28E Agreement for the establishment of a Joint Code Chapter 15J Reinvestment District.

26. **Waiver** and consent to conflict interest in representation by Carney & Appleby, P.L.C. in a property acquisition matter with the City of Des Moines and Jason and Kati Medick.

APPROVING

27. Items regarding the expansion of the EP2 Production, Office and Warehouse facility located at 4240 Army Post Road:

   *(Council Communication No. 20-506)*

   (A) **First** Amendment to the Urban Renewal Development Agreement with Electro Management Corp. for a 60,000 square-foot warehouse addition to their existing production facility.

   (B) **Application** to the Iowa Economic Development Authority (IEDA) for State of Iowa Business Financial Assistance for Electro Management Corp., and Electrical Power Products, Inc. for a business expansion project.

28. **Preliminary** terms of an urban renewal development agreement with FW Rehab, LLC (Abbey Gilroy, Executive Director) for the renovation of 3610 6th Avenue into a mixed-use residential and commercial development.

   *(Council Communication No. 20-515)*

29. **Preliminary** terms of an Urban Renewal Development Agreement with Percy’s Landing Senior, LP, for the renovation of the 18,904 square-foot vacant school building located at 1801 McKinley Avenue for purposes of converting to a 21-unit senior housing development.

   *(Council Communication No. 20-507)*
30. Number Not Used.

31. **Amendment** to the Iowa Economic Development Authority (IEDA) contract related to the financial assistance for Accordia Life & Annuity Company (aka Global Atlantic) under the IEDA High Quality Jobs ( HQJ) program.

   *(Council Communication No. 20-502)*

32. **Issuance** of Certificate of Completion to Des Moines Griffin Building, LLC (Tim Rypma ET AL) for development of Griffin Building at 319 7th Street.

33. **Request** by Des Moines Griffin Building, LLC, for City support for its application to Polk County to retroactively apply its application for tax abatement for construction of the residential portion of the mixed-use project in the Griffin Building at 319 7th Street.

   *(Council Communication No. 20-511)*

34. Number Not Used.

35. **Amended** and restated minimum assessment agreement with Kemin Industries, Inc. and Kemin Holdings, L.C.

36. **Issuance** of certificate of completion to Macerich Southridge Mall LLC, Southridge Adjacent, LLC and Southridge Apartments Partners, LP for multi-household residential phase of the Southridge Redevelopment Project in the Southside Economic Development District Urban Renewal Area.

37. **Appointment** of Jen Schulte as an Assistant City Manager effective November 16, 2020.

38. **Revising** the Proposed Twenty-Seventh Amendment to the Metro Center Urban Renewal Plan to incorporate potential alternative financial assistance for a redevelopment project and authorizing notice of public hearing.

39. **Rescinding** prior action and approval of the Sidewalk Assessment Policy and the Policy to Evaluate Removal of Existing Sidewalks Policy within City right-of-way.

   *(Council Communication No. 20-513)*
40. **Neighborhood Commercial Revitalization (NCR) Program and Program Policy.**

   (Council Communication No. 20-514)

41. **Amendment** to the agreement with Tyler Public Safety Solutions (Tyler Technologies, Inc.) to clarify billing terms and processes.

   (Council Communication No. 20-505)

42. **Amendment** for extension of contract with the Active Network, Inc. for online registration, reservation and payment services for the Parks and Recreation Department.

   (Council Communication No. 20-509)

43. Abatement of public nuisances at the following:

   (A) **1369** E. 12th Street.
   (B) **4102** Hull Avenue.
   (C) **1812** Easton Boulevard.
   (D) **1836** Mondamin Avenue.
   (E) **6024** Ronwood Drive.
   (F) **2009** E. 40th Court.
   (G) **3123** 4th Street.
   (H) **3825** Cambridge Street.
   (I) **1108** Guthrie Avenue.

44. Receipt of communication of fire escrow for the following:

   (A) **2945** Mahaska Avenue.
   (B) **718** 38th Street.
   (C) **1464** E. 21st Street.
   (D) **1520** Royer Street.

45. **Purchase** of three remote operated robot systems from Safeware Inc. (Edward A. Simons, President) for the Statewide Explosive Ordnance Detection Teams using funds from 2020 Homeland Security Grant Program award, $943,235.

   (Council Communication No. 20-504)
46. **Purchase** of two (2) replacement large SUV public safety vehicles from Karl Chevrolet (Carl Moyer, Owner) per State of Iowa contract for use by the Fire Department $85,183.40.

   *(Council Communication No. 20-501)*

47. Purchases from the following:

   (A) **Arbor** Masters Tree Service (Heather Dirksen, President) for hazardous tree and debris removal and disposal services in City parks related to the derecho storm on August 10, 2020 as requested by the Public Works Department, $973,000. (Eight potential bidders, two received)

   *(Council Communication No. 20-499)*

   (B) **Grimes** Asphalt and Paving Corporation (Mike Yonker, General Manager) for renewal of contract for 500 tons of cold mix asphalt for use by the Street Maintenance Division as requested by the Public Works Department, $80,500.

   (C) **Stone** Cross Lawn & Landscape LLC (Brad Puckett, Owner) for an annual contract with four additional one-year renewal options to furnish sidewalk snow removal services at various City properties as requested by the Public Works Department, $300,000 maximum.

48. **Promotional** list for Heavy Equipment Operator.

49. **Authorizing** Finance Director to draw checks registers for the weeks of November 23 and 30, 2020; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 23 and 30, 2020; to draw checks for biweekly payroll due December 4, 2020.

   * * * * * * END CONSENT AGENDA * * * * * * * * *
ORDINANCES - FIRST CONSIDERATION

50. Amending Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows:

   (Council Communication No. 20-522)

   (A) Code changes related to the 2020 HMA Resurfacing Program Contract 2—Cherry Street from 5th Avenue to 12th Street.

   (B) Proposed Code change to extend parking restriction spacing at 6th Avenue and Mulberry Street.

   (C) Final consideration of ordinance above, requires six votes.


   (Council Communication No. 20-503)

   (A) Final consideration of ordinance above, requires six votes.

APPROVING

52. Items regarding Annual Urban Renewal Report (AURR) and Tax Increment Finance (TIF) Certification:

   (Council Communication No. 20-512)

   (A) Advance of funds to the Metro Center Urban Renewal Project for planning, oversight and administration, $800,000.

   (B) Recommendation from the City Manager regarding TIF needs for FY 2021-2022 and certification of TIF indebtedness.

   (C) Urban Renewal Reports for Urban Renewal Plans and Areas within the City of Des Moines.

COMMUNICATIONS/REPORTS

53. Requests to speak as follows:

   (A) Carolyn Uhlenhake Walker regarding Clean Energy Resolution.
   (B) Jennifer Leatherby regarding Mental Health resources.
   (C) Shea Malloy regarding Injustice in Des Moines.
   (D) Luis Gomez regarding Des Moines City Council.
   (E) Ava Elaine Auen-Ryan regarding Injustices in Des Moines.
   (F) Kate Broderick regarding Injustice in Des Moines.
(G) **Adam Callanan** regarding Injustice in Des Moines.
(H) **Bridget Pedersen** regarding Injustice in Des Moines.
(I) **Steve Walter** regarding opposition to decriminalizing marijuana and the future of Des Moines.
(J) **Alejandro Murguia-Ortiz** regarding crime and violence reduction in Des Moines.
(K) **Harvey Harrison** regarding Marijuana Task Force Report.
(L) **Jane Alderman** regarding Marijuana Task Force.
(M) **Laural Clinton** regarding Marijuana Task Force.
(N) **Janice Hawkins** regarding Marijuana Task Force recommendations
(O) **Denver Foote** regarding Community Input.
(P) **Emily Gibson** regarding Covid precautions.
(Q) **Lori A. Young** regarding Marijuana Task Force.
(R) **Veola Perry** regarding work of the Marijuana Task Force.
(S) **Indra Sheumaker** regarding Des Moines City Council’s inaction.
(T) **Vanessa Moranchel** regarding Mayor and City Council’s behavior during City Council meetings.
(U) **Luke Bascom** regarding COVID-19 spread in Des Moines.
(V) **Leah Plath** regarding City Council action in regards to COVID-19.
(W) **Harleigh Boldridge** regarding COVID-19 policies in Des Moines.
(X) **Nick Manna** regarding police accountability.
(Y) **Nayelli Moranchel** regarding COVID in schools.
(Z) **Daniel Pepper** regarding City Council.
(AA) **Amanda Johnson** regarding mask mandate.
(BB) **Danley Ross** regarding mask mandate.
(CC) **Paden Sheumaker** regarding what the City Council should be doing.
(DD) **KT Menke** regarding silencing of constituents and city council behavior.
(EE) **Carter White** regarding COVID-19.
(FF) **Giovanni Bahena** regarding City’s COVID response.
(GG) **Sara Feldman** regarding community input.

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 54 THRU 69)**

54. **On** request from Highland Park Apartments, LLC (Tim Bratvold, Officer) to amend the PlanDSM Creating Our Tomorrow Plan future land use designation from Low Medium Density Residential within a Neighborhood Node to High Density Residential within a Neighborhood Node and to rezone property at 622 Euclid Avenue from “NX1” Neighborhood Mix District to “NX2” Neighborhood Mix District to allow the existing multiple-household dwelling to be used for 10 household living units.

(A) **First** consideration of ordinance above.

(B) **Final** consideration of ordinance above (waiver requested by Alan VanGundy, Simonson & Associates Architects, LLC), requires six votes.
55. **On** request from Fareway Stores, Inc. (Koby Pritchard, Officer) to rezone property at 2716 Beaver Avenue from “MX1” Mixed Use District to “MX3” Mixed Use District to allow redevelopment of the property with a 7,759-square foot Retail Sales, Limited use with the ability to request a Conditional Use for a business that sells alcoholic liquor.

   (A) **First** consideration of ordinance above.

   (B) **Final** consideration of ordinance above (waiver requested by Garrett S. Piklapp, Executive Vice President), requires six votes.

56. **On** requests from Drake University (Owner) for the amendment of the PlanDSM: Creating Our Tomorrow Future Land use designation from Neighborhood Mixed Use and Low Density Residential to Public/Semi-Public; Review and Approval of Amendment to the Drake University Recreation PUD Conceptual Plan to remove approximately 2.84 acres to be rezoned to “P2” Public, Institutional and Civic District; and rezone property from “PUD” Planned Unit Development District, “RX1” Mixed Use District and “N5” Neighborhood District to “P2” Public, Civic and Institutional District, to allow for development of 4,000 seat multi-purpose stadium to be jointly operated for the Des Moines Public Schools use for athletic competition all for property in the vicinity of 2421 Forest Avenue.

   (A) **First** consideration of ordinance above.

   (B) **Final** consideration of ordinance above (waiver requested by Michelle D. Morgan Huggins, Drake University Planning and Design Manager), requires six votes.

57. **Dismissing** hearing on request from Quik Trip Corporation (Jessica Glava, Officer) to rezone property at 1421 Ingersoll Avenue from “MX2” Mixed Use District to “MX3” Mixed Use District to allow the existing 4,008-square foot fuel station with 10 fueling locations the ability to request a Conditional Use for a business that sells alcoholic liquor.

58. **To** correct the conditions of a Limited “11” zoning approved pursuant to Ordinance No. 15,930 on October 5, 2020 regarding property located at 2025 East Grand Avenue. The original zoning request was submitted by Lil Brother Construction, LLC (purchaser), (Jean Jones, Officer). The subject property was owned by Cypress Properties, LLC.

   (A) **First** consideration of ordinance above.

   (B) Final consideration of ordinance above, requires six votes.
59. **On** vacation of the east/west alley right-of-way located north of and adjoining 809 Virginia Avenue, and for vacation of the north/south alley right-of-way located west of and adjoining 809 Virginia Avenue, and conveyance to Diana Ancell, $200.

   (A) **First** consideration of ordinance above.

   (B) Final consideration of ordinance above, requires six votes.

60. **On** request from Des Moines Cold Storage (Owner) (C.J. Morton, Officer) for review and approval of an amendment to the previously approved PUD Final Development Plan for the “Phase IA of Des Moines Cold Storage” for property located at 3805 Vandalia Road, to allow 62,680 square-foot addition to the existing refrigerated warehouse building, with waiver of the previously approved installation of public sidewalk along the Vandalia Road frontage.

61. **On** request from Blank Park Zoo Foundation, Inc. (Anne Shimerdla, Officer) for the 3rd Amendment to the Blank Park Zoo PUD Conceptual Plan to allow for addition of a new restroom and concession building with plaza within Area “A”; and the PUD Final Development Plan for “GoGo Plaza” to allow development of a 1,504-square foot concession and restroom building and surrounding plaza area at 7401 Southwest 9th Street.

62. **On** conveyance of City-owned property located at 919 E. 9th Street to Home Inc. (Home Opportunities Made Easy, Inc.) for redevelopment of housing.

63. **On** the proposition to authorize and enter into a lease agreement in the principal amount not-to-exceed $130,000, for the purpose of acquiring certain items of equipment for winter snow removal consisting of three motor graders and one bulldozer.

   (Council Communication No. 20-500)


65. **On** amendment to Donation and Concession Agreement for Riverview Park Concession with Parks Area Foundation.

   (Council Communication No. 20-508)

66. **On** 2021 Traffic Signal Replacement Contract 1: Approving plans, specifications, form of contract documents, and Engineer’s estimate, receive and file bids and designating lowest responsive, responsible bidder as Iowa Signal, Inc. (Wayne Lesley, President), $471,423.67.
(Council Communication No. 20-516)

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

67.  On Center Street Park and Ride Lighting Improvements: approving plans, specifications, form of contract documents, and Engineer’s estimate, receive and file bids and designating lowest responsive, responsible bidder as ABC Electrical Services, LLC (LeRoy Clair, President), $689,420.84.

(Council Communication No. 20-517)

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

68.  On Drake Park Shelter Renovation: approving plans, specifications, form of contract documents and Engineer’s estimate, receive and file bids and designating lowest responsive, responsible bidder as GTG Construction, LLC (Tracy D. Grasso, Owner/Managing Partner), $733,000.00.

(Council Communication No. 20-518)

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

69.  On Hamilton Drain Storm Water Improvements, Phase 1: approving plans, specifications, form of contract documents and Engineer’s estimate, receive and file bids and designating lowest responsive, responsible bidder as S.M. Hentges & Sons, Inc. (Steven M. Hentges, President), $2,160,616.00.

(Council Communication No. 20-519)

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

*** END OF HEARINGS _____________ P.M. ***
MOTION TO ADJOURN.

The City of Des Moines is pleased to provide accommodations to disabled individuals or groups and encourages participation in City government. To better serve you, please notify us at least three business days in advance when possible at 515-283-4209, should special accommodations be required. Assistive Listening Devices are available for meetings in the City Council Chambers.

View City Council agendas online at DSM.city

All-America City