

**DES MOINES CITY COUNCIL MEETING  
Municipal Service Center, MSC Board Room  
1551 E. M.L. King Jr. Parkway  
Des Moines, Iowa 50317**

**12/7/2020  
4:15 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 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.*

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://dmgov-org.zoom.us/j/81564162948?pwd=MmpGRUo0eVl4K0pONlJIOTViZ3kwQT09>

Passcode: 952043

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or 833 548 0276 (Toll Free)

Webinar ID: 815 6416 2948

## **PROCLAMATIONS**

### **DART ELECTRIC BUS DAY**

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 31:

**\*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:

### RENEWAL APPLICATIONS

(A)	B & B SUPER MARKET	2001 SE 6TH ST	C Beer
(B)	BUFFALO WILD WINGS	3311 SE 14TH ST	C Liquor
(C)	EASTGATE LAUNDROMAT	1424 E OVID AVE	B Beer
(D)	EXTRA INNINGS	1500 SE 1ST ST	C Liquor
(E)	FELIX & OSCARS	4050 MERLE HAY RD	C Liquor
(F)	FONGS PIZZA	223 4TH ST	C Liquor
(G)	GIT N GO STORE #6	5736 FRANKLIN AVE	C Beer
(H)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(I)	LA TAPATIA III	4007 SE 13TH ST	C Beer
(J)	LICKETY LIQUOR	2501 HUBBELL AVE	E Liquor
(K)	NOCE	1326 WALNUT ST	C Liquor
(L)	PEACE TREE BREWING CO	317 E COURT AVE	C Liquor
(M)	PEGGYS TAVERN	3020 FOREST AVE	C Liquor
(N)	QUIK TRIP #523R	849 ARMY POST RD	C Beer
(O)	QUIK TRIP #535	1501 E GRAND AVE	C Beer
(P)	SMOKE SHOP	1918 SE 14TH ST	E Liquor
(Q)	SUPER QUICK 2	1824 HUBBELL AVE	E Liquor
(R)	TASTE! TO GO & CATERING	322 E COURT AVE	C Liquor
(S)	TRIANGLE TAP	2506 POST ST	C Liquor
(T)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor
(U)	WEST END WINES	22 9TH ST	C Liquor

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

6. [City Clerk](#) to issue Coin Operated Machine Licenses.

## PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

- (A) [SW 5<sup>th</sup>](#) Street Railroad Crossing Improvements: Receiving of bids, (12-22-20), Setting date of hearing, (1-11-21). Construction estimate, \$195,000.

[\(Council Communication No. 20-535\)](#)

- (B) [Ingersoll](#) Avenue Streetscape from 24<sup>th</sup> Street to 28<sup>th</sup> Street (north side): Receiving of bids, (1-12-21), Setting date of hearing, (2-8-21). Construction estimate, \$3,600,000.

[\(Council Communication No. 20-526\)](#)

- 8. [Approving](#) exception to request for proposals process for good cause and approving Professional Services Agreement (PSA) with HR Green, Inc. for Intelligent Transportation System (ITS) Master Plan Integration – Phase 2, not to exceed \$245,500.

[\(Council Communication No. 20-536\)](#)

- 9. Approving Private Construction Contracts between the following:
  - (A) [Ryan](#) Companies US, Inc. and Des Moines Industrial, LLC for Storm Sewer Improvements in 200 E 15<sup>th</sup> Street.
  - (B) [Sternquist](#) Construction Inc. and DR Horton – Iowa, LLC for Paving Improvements in the Woods at Copper Creek Plat 5

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

- 10. [Approval](#) of Parks and Recreation Board Rules Amendment.

[\(Council Communication No. 20-532\)](#)

- 11. [Recommendation](#) from Council Member Westergaard to appoint Renda K. Barbieri-Snyder to the Transportation Safety Committee, Seat 5, for a term expiring December 31, 2021.
- 12. [Appointing](#) Linda Westergaard and Robert Mahaffey as Public Official and Senior Representative to the Aging Resources of Central Iowa Board of Directors for Calendar Year 2021.
- 13. [Appointing](#) Josh Mandelbaum and T.M. Franklin Cownie as Primary and Alternate Members to the Des Moines Area Regional Transit (DART) Authority for Calendar Year 2021.
- 14. [Appointing](#) Joe Gatto and Bill Gray as the Primary and Alternate Members to the Metro Waste Authority (MWA) for Calendar Year 2021.

15. [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 (WRA) Management Agency for Calendar Year 2021.
16. [Communication](#) from James Trower advising of his resignation from the Historic Preservation Commission, Seat 5, effective immediately.
17. [Recommendation](#) from Council Member Westergaard to appoint Andrew Wychoff to the Building and Fire Code of Appeals, Seat 12, for the term expiring on April 1, 2023.

### **SETTING DATE OF HEARINGS**

18. [On](#) request from Thirty Seven Fifty, LLC (Kate Miller, Officer) for approval of a PUD Final Development Plan “Thirty Seven Fifty on Grand”, on property located at 3750 Grand Avenue, to allow for redevelopment of the existing vacant First Church of Christ Science with demolition of a portion and addition of an eight (8) story, 42-unit residential condominium tower with two levels being indoor parking. The building would have first floor permitted uses of business or professional offices, studio or instructional service, assembly, and library or cultural exhibit, (12-21-20).
19. [On](#) approval of documents to correct the vacation of a portion of Court Avenue right-of-way located south of and adjoining 309 Court Avenue to allow for a sidewalk café lease, (12-21-20).
20. [On](#) approval of documents to correct the vacation of a portion of Des Moines Street right-of-way located south of and adjoining 519 Des Moines Street to allow for a sidewalk café lease, (12-21-20)

### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

21. [Approving](#) payment to Randal Burnett for a workers’ compensation claim.
22. [Approving](#) payment to Terry Dotts for a workers’ compensation claim.

## APPROVING

23. [HOME](#) Investment Partnerships Program (HOME) Community Housing Development Organization (CHDO) funding for Home Opportunities Made Easy, Incorporated (HOME, Inc.) to construct an affordable single-family home at 1810 Arlington Avenue.

[\(Council Communication No. 20-533\)](#)

24. [General](#) fund advance for homelessness prevention under the Emergency Solutions Grant (ESG-CV) funding, second round, to Home, Inc. and Emergency Housing Assistance under Community Development Block Grant (CDBG-CV), second round, to impact, to prepare, prevent and respond to coronavirus.

[\(Council Communication No. 20-527\)](#)

- ~~25. Preliminary terms of an Urban Renewal Development Agreement with Tree House Partners, LLC (Tim Rypma, Paul Cownie and Jeremy Cortright) for the historic renovation of three (3) multi-family residential apartment buildings located at 2315 Grand Avenue.~~

~~[\(Council Communication No. 20-531\)](#)~~

26. [First](#) Amendment to the Urban Renewal Development Agreement for Bridge District Level, LLC, Bridge District II Townhomes, LLC, and Bridge District II, LLC for the new construction of a five (5) story, 114-unit multi-family housing project known as the Level Apartments, and 25 owner-occupied rowhomes comprising the next phase of The Banks at the Bridge District, located in the 300 block of Maple Street.

[\(Council Communication No. 20-539\)](#)

27. [Canceling](#) Energy and Water Benchmarking Program Administrative Penalties for 2019 data reporting cycle.

[\(Council Communication No. 20-530\)](#)

28. [Exception](#) to the procurement ordinance competitive process for good cause and approval of amendment to extend agreement for State legislative lobbying services with Carney & Appleby, PLC.

([Council Communication No. 20-538](#))

29. [Promotional](#) list for Senior Police Officer and Street Sweeper Operator.
30. [Declaring](#) an official intent under Treasury Regulation 1.150-2.
31. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 7 and 14, 2020; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 7 and 14, 2020; and to draw checks for biweekly payroll due December 18, 2020.

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

#### **ORDINANCES - SECOND CONSIDERATION**

32. [Amending](#) Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of property located in the vicinity of 2421 Forest Avenue from a PUD Planned Unit Development District, RX1 Mixed Use District, and N5 Neighborhood District to P2 Public, Institutional and Civic District Classification, and by amending the area of the Drake University Recreation PUD Conceptual Plan by removing 2.84 acres thereof.

#### **ORDINANCES - FIRST CONSIDERATION**

33. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows:

([Council Communication No. 20-537](#))

- (A) Parking Restriction–Maquoketa Drive, east of Germania Drive.
- (B) Traffic Control Change–All-way stop at the intersection of SW 42nd Street and Glenview Drive/River Oaks Drive.
- (C) Parking Restrictions related to Edmunds Elementary School–15th Street from Crocker Street to Oakridge Drive/School Street; 17th Street, north from Crocker Street; Crocker Street from 15th Street to 19th Place; and School Street from 8th Street to 40th Place.
- (D) Parking Restrictions–48th Street from Aurora Avenue to Merced Street.

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

## COMMUNICATIONS/REPORTS

34. Requests to speak as follows:

- (A) [Adam](#) Callanan regarding injustice in Des Moines.
- (B) [Matthew](#) Peirce regarding Community input.
- (C) [Amy](#) Bettle regarding 100% - 24/7 Clean and Renewable Energy Resolution.
- (D) [Vanessa](#) Moranchel regarding City Council behavior toward the public.
- (E) [Denver](#) Foote regarding Community input.
- (F) [Luke](#) Bascom regarding in support of Des Moines Police Department ceasing to exist.
- (G) [Paden](#) Sheumaker regarding the many problems I have with the Des Moines City Council.
- (H) [Indira](#) Sheumaker regarding City of Des Moines Government is undemocratic and oppressive.
- (I) [Jaylen](#) Cavil regarding injustice in Des Moines.
- (J) [Emily](#) Gibson regarding the COVID surge and precautions.
- (K) [Pascha](#) Morgan regarding Community engagement.
- (L) [Randy](#) Sheumaker regarding injustice in Des Moines.
- (M) [Jacob](#) Grobe regarding City Council.
- (N) [Giovanni](#) Bahena regarding lack of COVID response from City Government.
- (O) [Leah](#) Plath regarding continued inaction of Des Moines City Council.
- (P) [Daniel](#) Pepper regarding why City Council cares as little about themselves as they do others.
- (Q) [Emily](#) Ewing regarding injustice in Des Moines.
- (R) [Alec](#) Johnson regarding how the City can do its part to address Global Warming.
- (S) [Harleigh](#) Boldridge regarding Des Moines COVID-19 Response.
- (T) [Carolyn](#) Uhlenhake Walker regarding 100% Clean Energy Resolution.
- (U) [Carter](#) White regarding Des Moines City Council.
- (V) [Wallace](#) Mazon regarding Des Moines Police Department accountability.
- (W) [Alejandro](#) Murgia-Ortiz regarding policing in Des Moines.
- (X) [Isabella](#) Brace regarding 100% Clean Energy Resolution.

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 35 THRU 44)

35. [On](#) issuance of not to exceed \$40,000,000 General Obligation Refunding Capital Loan Notes, Series 2021A.

([Council Communication No. 20-524](#))

- (A) [Authorization](#) for additional action.

36. [On](#) the vacation of a portion of 25<sup>th</sup> street and alley right-of-way located between Forest Avenue and Clark Street west of 24<sup>th</sup> Street and conveyance to Des Moines Independent Community School District.
- (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.
37. [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.

[\(Council Communication No. 20-523\)](#)

- (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by City Manager), requires six votes.
38. 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) [Continuing](#) hearing on the 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 Future Land Use Designation to December 21, 2020.
  - (B) [Continuing](#) hearing on City-initiated request to rezone property located in the area west of Southeast 2<sup>nd</sup> Street in the Market District from DX2 Downtown District to Limited DXR Downtown District to December 21, 2020.
  - (C) [Continuing](#) hearing on City-initiated request to rezone property located in the area east of Southeast 2<sup>nd</sup> Street in the Market District from DX2 Downtown District and/or P2 Public, Civic and Institutional District to Limited DX1 Downtown District to December 21, 2020.



39. On request from Tiger Knight, LLC (Owner) (Barry Nelson, President) 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.
- (A) First consideration of ordinance above.
- ~~(B) Final consideration of ordinance above (waiver requested by Barry J. Nelson, President), requires six votes.~~
40. 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.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Laverne and Maxine Anderson, Owner), requires six votes.
41. On request from Morgan Maurer (Owner) to amend PlanDSM: Creating Our Tomorrow Future Land Use Designation and to rezone 2104 East 21<sup>st</sup> 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.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Morgan Maurer, Owner), requires six votes.
42. Continuance of hearing on approving form and authorizing execution a short-term lease with U.S.S. Husmann, LLC for the rental of warehouse space for equipment storage at 301 SE 8<sup>th</sup> Street for the temporary use by the Public Works Department (12-21-20).

43. On 2021 Traffic Signal Replacement Contract 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Iowa Signal, Inc. (Wayne Lesley, President), \$464,846.87.

[\(Council Communication No. 20-525\)](#)

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

44. On Historic Pillar Repair on Southwest Corner of Chaffee Road and Army Post Road: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Renaissance Restoration, Inc. (Terry W. Cole, President), \$44,390.

[\(Council Communication No. 20-528\)](#)

- (A) Approval of contract and bond.

\*\*\*\* 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

1949 1976 1981 2003 2010 2017