

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

**December 21, 2020
4:15 P.M.**

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 December 9, 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 One Hundred Fourteen of the Governor's December 9, 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/j/89248657921?pwd=Z0VaRTArWnBIYXZlb1VMTVFXMHovQT09>

Passcode: 058084

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Webinar ID: 892 4865 7921

PROCLAMATION

IOWA HOMELESS MEMORIAL

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 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 APPLICATION

(A) TOP IT OFF 100 INDIANA AVE C Liquor

RENEWAL APPLICATIONS

(B) 801 STEAK & CHOP HOUSE 801 GRAND AVE C Liquor
(C) A DONG RESTAURANT 1511 HIGH ST C Beer/Wine
(D) AIR LANES 4200 FLEUR DR C Liquor
(E) CHRISTOPHERS DINING ROOM 2816 BEAVER AVE C Liquor
(F) DES MOINES CLUB 666 GRAND AVE A Liquor
(G) EASYGO 2723 GRAND AVE C Beer
(H) GIT N GO STORE #2 1307 ARMY POST RD C Beer
(I) GOLDEN LAND FOOD MARKET 2740 DOUGLAS AVE C Beer
(J) HULL AVENUE TAP 834 HULL AVE C Liquor
(K) HY VEE C-STORE #3 3215 SE 14TH ST C Beer
(L) KUM & GO #2722 2211 UNIVERSITY C Beer
(M) LA TAPATIA 1440 DES MOINES ST C Beer
(N) LOS LAURELES 1518 E GRAND AVE C Liquor
(O) MAINGATE BAR AND GRILL 2956 E GRAND AVE C Liquor
(P) NOW OR LATER RESTAURANT 3750 E UNIVERSITY C Liquor
(Q) PAESANOS PIZZERIA 2804 SW 9TH ST C Beer/Wine
(R) QUIK TRIP #544 3941 SE 14TH ST E Liquor
(S) SHOP N SAVE #2 1372 E 14TH ST E Liquor
(T) TANGERINE FOOD CO 900 KEOSAUQUA C Liquor
(U) TEMPLE THEATER 1011 LOCUST ST C Liquor
(V) W-TAO SUSHI 400 WALNUT ST C Liquor

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

(A) [2021 Neighborhood](#) Sidewalk Program: Receiving of bids, (1-12-21), Setting date of hearing, (2-8-21). Engineer’s estimate, \$965,000.

[\(Council Communication No. 20-541\)](#)

(B) [2021 Bridge](#) and Culvert Repair: Receiving of bids, (1-12-21), Setting date of hearing, (2-8-21). Engineer’s estimate, \$280,000.

[\(Council Communication No. 20-540\)](#)

(C) [Ingersoll](#) Avenue 42nd Street to Polk Blvd. Reconstruction: Receiving of bids, (1-20-21), Setting date of hearing, (2-22-21). Engineer's estimate, 3,620,000.

[\(Council Communication No. 20-546\)](#)

7. [Submittal](#) of Federal Surface Transportation Block Grant (STBG) Fiscal Year 2025 applications to the Des Moines Metropolitan Planning Organization (MPO).

[\(Council Communication No. 20-551\)](#)

8. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement (PSA) with Bolton & Menk, Inc. for additional professional services for 6th Avenue Streetscape – College Avenue to Hickman Road, for an amount not to exceed \$60,000.

[\(Council Communication No. 20-542\)](#)

9. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement (PSA) with Kirkham, Michael & Associates, Inc. for additional professional services for Ingersoll Avenue Streetscape – 31st Street to Martin Luther King Jr. Parkway, not to exceed \$485,000.

[\(Council Communication No. 20-547\)](#)

10. [Approving](#) Change Order No. 1 with Minturn, Inc. for additional work on Simon Estes Amphitheater Repairs, in the amount of \$146,434.09.

[\(Council Communication No. 20-549\)](#)

11. [Approving](#) Change Order No. 4 with OMG Midwest, Inc d/b/a Des Moines Asphalt & Paving for additional work on Hubbell Avenue Rehabilitation from E. 18th Street to Easton Blvd, in the amount of \$60,547.30.

[\(Council Communication No. 20-545\)](#)

12. Approving Private Construction Contracts between the following:

(A) [Jordison](#) Construction, Inc. and Connolly Lofts Associates, LP for Paving Improvements in 401 SE 6th Street.

(B) [Corell](#) Contractor, Inc. and Connolly Lofts Associates, LP for Storm Sewer Improvements in 401 SE 6th Street.

13. Approving completion and acceptance of private construction contract for the following:
 - (A) [Paving](#) Improvements at 220 SE 6th Street, between Sternquist Construction Inc. and 220 SE 6th Street Properties, LLC.
 - (B) [Storm](#) Sewer Improvements at Grover Woods Plat 1, between McAninch Corporation and HRC Grover Woods LLC.
 - (C) [Sanitary](#) Sewer Improvements at Grover Woods Plat 1, between McAninch Corporation and HRC Grover Woods LLC.
 - (D) [Storm](#) Sewer Improvements at 220 SE 6th Street, between The Underground Company, Ltd. and 220 SE 6th Street Properties, LLC.
14. [Communication](#) from contractors requesting permission to sublet certain items on public improvement project.
15. Accepting completed construction and approving final payment for the following:
 - (A) [2019](#) Residential Paving, Grimes Asphalt and Paving Corporation.
 - (B) [2018-2019](#) HMA Pavement Scarification and Resurfacing, Grimes Asphalt and Paving Corporation.
 - (C) [2019](#) HMA Residential Paving Program, Grimes Asphalt and Paving Corporation.
 - (D) [Hartford](#) Avenue Rehabilitation from S.E. 22nd Street to Cownie Soccer Complex, Wenthold Excavating LLC.
 - (E) [M.L. King Jr.](#) Parkway Rehabilitation from Hickman Road to Euclid Avenue, OMG Midwest, Inc. d/b/a Des Moines Asphalt and Paving.
 - (F) [2020](#) ADA Sidewalk Ramp Program, Westward Properties, LLC.

SPECIAL ASSESSMENTS

16. [Levying](#) assessments for costs of Nuisance Abatement-NAC-Emergency Orders, (Community Development), Schedule No. 2020-10.
17. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2020-10.

LAND/PROPERTY TRANSACTIONS

18. [Conditionally](#) approving the final subdivision plat of Airport Industrial Park Plat 3, in the vicinity of 6200 Scout Trail.

[\(Council Communication No. 20-552\)](#)

19. [Conditionally](#) approving the final subdivision plat of Three Lakes Estates Plat 7, in the vicinity of 2915 Brock View Drive.

[\(Council Communication No. 20-562\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

20. [Approving](#) nominees for appointment to terms on the Urban Design Review Board's Skywalk Committee.
- 20I. [Receipt](#) of Des Moines Water Works budget for calendar year ending December 31, 2021.

COMMUNICATIONS FROM PLANNING AND ZONING

21. [Regarding](#) request from 814 Development/814 Acquisitions, LLC (Samantha Coponen, Officer) for vacation of segments of Mulberry Street, 12th Street, and the north/south alley right-of-way adjoining 204 12th Street.

SETTING DATE OF HEARINGS

22. [On](#) request from Antonio Dominguez and Gabriella Herrera (owners) to amend the PlanDSM future land use classification from Industrial to Low Density Residential and rezone 301 Southeast 28th Street from I1 Industrial District to N3c Neighborhood District to allow the existing Household Living use to be extended with addition of a new accessory 2-story detached garage use, (1-11-21).
23. [On](#) request from Angel Groff (owner) to amend the PlanDSM future land use classification from Low Density Residential to Community Mixed-Use and rezone property at 2200 Easton Boulevard from N3a Neighborhood District to MX3 Mixed Use District to allow the existing vacant commercial building and site to be reused for a Vehicle Maintenance/Repair, Minor use and a Vehicle Sales use, (1-11-21).
24. [On](#) request from Sitwell, LLC (Daniel Kelley, Officer) for review and approval of a PUD Final Development Plan "The Village at Gray's Lake Lot 6", on property located at 2688 Southwest 23rd Street, to allow reuse of the former classroom building for commercial office space, (1-11-21).

25. [On](#) vacation of a portion of alley right-of-way, Garver Street and Southeast 16th Street right-of-way located north of East Railroad Avenue, and conveyance of said vacated right-of-way and the intervening excess City property to MidAmerican Energy Company for \$135,500. (1-11-21).
26. [On](#) Second Amendment of the Concession Agreement for the Birdland Marina Concession with Less Than Trinity, LLC, d/b/a Captain Roy's, (1-11-21).

[\(Council Communication No. 20-558\)](#)

27. [On](#) lease of a portion of vacated East Market Street between Southeast 14th Street and Southeast 18th Street to Des Moines Industrial, LLC for \$12,500. (1-11-21).
28. Number Not Used.

APPROVING

29. [Supplemental](#) Emergency Solutions Grant (ESG-CV), second round, funding agreement with the U.S. Department of Housing and Urban Development (HUD) to prepare for, prevent, and respond to the coronavirus.

[\(Council Communication No. 20-554\)](#)

30. [Supplemental](#) Community Development Block Grant (CDBG-CV), second round, funding agreement with the Iowa Economic Development Authority (IEDA) to prepare for, prevent, and respond to coronavirus.

[\(Council Communication No. 20-555\)](#)

31. [Urban](#) Renewal Development Agreement with Spot 515, LLC (Randy Reichardt), and approving Conceptual Development Plan, for the renovation of the existing 12,100 square-foot commercial building located at 515 28th Street for Commercial Uses.

[\(Council Communication No. 20-565\)](#)

32. [Urban](#) Renewal Development Agreement with 217 E. Second LC (Jake Christensen), and approving Conceptual Development Plan, for the renovation of the existing 20,500 square-foot commercial building located at 217 East 2nd Street for Commercial and Office Uses.

[\(Council Communication No. 20-563\)](#)

33. [Urban](#) Renewal Development Agreement with 13th & Mulberry, LLC and 13th & Mulberry Multifamily, LLC (Josh Aberson, Bryon Schafersman and Tim Rypma), and Conceptual Development Plan, for the Historic Renovation of existing one-story commercial building at 213 13th Street and construction of five-story mixed-use building on adjacent lot Northwest of 13th and Mulberry.

[\(Council Communication No. 20-564\)](#)

34. [Second](#) Amendment to Urban Renewal Agreement for Sale of Land for Private Redevelopment with 101 East Grand Parking, LLC (Paul Hayes), for the multi-phased redevelopment of the block east of City Hall.

[\(Council Communication No. 20-557\)](#)

35. [First](#) Amendment to Urban Renewal Development Agreement with Des Moines Griffin Building, LLC (Tim Rypma ET AL), and consenting to assignment of said agreement to Freedom Financial Bank, for development of Griffin Building at 319 7th Street.

[\(Council Communication No. 20-566\)](#)

36. [Certificate](#) of completion to District at 6th, LLC for the construction of 4-story apartment building at 201 SE 6th Street and approving a minimum assessment agreement.

37. Number Not Used.

38. Agreements with Community Foundation of Greater Des Moines for the following:

[\(Council Communication No. 20-560\)](#)

- (A) [Fleur](#) Drive Medians Landscape Replacement Fund.
- (B) [Fleur](#) Drive Medians Landscape Replacement Fund Management.

39. [Communication](#) of fire escrow at 322 SE 33rd Street.

40. [Abatement](#) of public nuisance at 4171 NE Broadway Avenue Lot 29.

41. Purchases from the following:

- (A) [Sutphen](#) Corporation (Thomas Sutphen, President) for two (2) fire engine apparatus per Houston Galveston Area Council (HGAC) Contract for use by the Fire Department, \$1,389,330.

[\(Council Communication No. 20-569\)](#)

- (B) [Knox](#) Company (Joni Trempala, President and CEO) for non-competitive procurement of forty-five (45) Knox KeySecure 6 Devices and Knox eKey Programmable Electronic Keys and associated mounting hardware for use by all Fire Department response vehicles, \$59,181.83.

[\(Council Communication No. 20-567\)](#)

42. [Civil](#) Service Entrance list for Zoning Enforcement Officer.

43. [Authorizing](#) Finance Director to draw check registers for the weeks of December 21 and 28, 2020; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 21 and 28, 2020; to draw checks for biweekly payroll due December 31, 2020.

ORDINANCES - SECOND CONSIDERATION

44. [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 at 1210 and 1220 Army Post Road from RX1 Neighborhood Mix District to Limited MX3 Mixed Use District classification.

- (A) [Final](#) consideration of ordinance above (waiver requested by Barry J. Nelson, President), requires six votes. **#15,955.**

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

ORDINANCES - FIRST CONSIDERATION

45. [Amending](#) Chapter 30, Article VIII, Sections 30-331, 30-333, 30-338, 30-339 and adding Section 30-332B, relating to secondhand goods.

- (A) [Final](#) consideration of ordinance above (waiver requested by City Manager), requires six votes. **#15,956.**

46. [Amending](#) Section 74-188, relating to special lighting on facilities.

[\(Council Communication No. 20-559\)](#)

(A) [Final](#) consideration of ordinance above (waiver requested by Parks and Recreation Director Page), requires six votes. #**15,957**.

47. [Amending](#) Chapter 42-358 relating to notices for nuisances. **Save for next meeting**

[\(Council Communication No. 20-553\)](#)

COMMUNICATIONS/REPORTS

48. [Requests](#) to speak as following:

- (A) Negus Rudison-Imhotep
- (B) Vanessa B. Moranchel
- (C) Molly Arndt
- (D) Amy Bettle
- (E) Dana Raymond
- (F) KT Menke
- (G) Denver Foote
- (H) Adam Callanan
- (I) James Grimm
- (J) Giovanni Bahena
- (K) Paden Sheumaker
- (L) Bridget Pedersen
- (M) Kelsey Tyrrell
- (N) Debra Howell
- (O) Brenda McDonald
- (P) Holly Hallmann
- (Q) Brad Wiesenmayer
- (R) Isabelle Brace
- (S) Jacob Grobe
- (T) Shari Hawk
- (U) Devon Severson
- (V) Alec Johnson
- (W) Matthew Peirce

APPROVING

49. [Creating](#) the Des Moines Food Security Task Force.

49I [Acceptance](#) of donation of playground at Riverview Park from Variety– The Children’s Charity of Iowa and naming of playground “Variety Star Playground”.

([Council Communication No. 20-561](#))

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 50 THRU 58)

50. [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.

(A) [First](#) consideration of ordinance above.

(B) Final consideration of ordinance above, requires six votes. #**15,958**.

51. [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.

(A) [First](#) consideration of ordinance above.

(B) Final consideration of ordinance above, requires six votes. #**15,959**.

52. [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 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.

53. Number Not Used.

54. [On](#) the proposed Twenty-Seventh Amendment to the Metro Center Urban Renewal Plan.

([Council Communication No. 20-556](#))

(A) [On](#) the authorization of a loan agreement and issuance of not to exceed \$47,000,000 General Obligation Urban Renewal Capital Loan Notes 2021B, (1-11-21).

55. 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, B, and C are hearings. They are to be considered and voted on separately):**

[\(Council Communication No. 20-568\)](#)

- (A) [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 Plan, (Continued from December 7, 2020).
- (B) [On](#) City-initiated request to rezone property located in the area west of Southeast 2nd Street in the Market District from DX2 Downtown District to Limited DXR Downtown District, (Continued from December 7, 2020).
- a. [First](#) consideration of ordinance above.
- b. [Final](#) consideration of ordinance above (waiver requested by Erin Olson-Douglas, Development Services Department Director), requires six votes. **#15,960**
- (C) [On](#) City-initiated request to rezone property located in the area east of Southeast 2nd Street in the Market District from DX2 Downtown District and/or P2 Public, Civic and Institutional District to Limited DX1 Downtown District, (Continued from December 7, 2020).
- a. [First](#) consideration of ordinance above.
- b. [Final](#) consideration of ordinance above (waiver requested by Erin Olson-Douglas, Development Services Department Director), requires six votes. **#15,961.**
- (D) [First](#) Consideration of an ordinance amending the Municipal Code of the City of Des Moines by amending Chapter 135-2.18.3, relating to design alternatives for height limitations in the Capitol Dominance Area.
- a. [Final](#) consideration of ordinance above (waiver requested by Erin Olson-Douglas, Development Services Department Director), requires six votes. **#15,962.**
- (E) [Setting](#) the date of hearing on the competitive process for sale and redevelopment of the Market District in the Metro Center Urban Renewal Project Area, and receipt of redevelopment proposal from the developer, (1-25-21).

55I. On authorization of a short-term lease with U.S.S. Husmann, LLC for the rental of warehouse space for equipment storage at 301 SE 8th Street for the temporary use by the Public Works Department (Continued from December 7, 2020).

[\(Council Communication No. 20-548\)](#)

(A) Approving form and authorizing execution of a short-term lease with U.S.S. Husmann, LLC for the rental of warehouse space at 301 SE 8th Street for temporary use by the Public Works Department.

56. On Intelligent Transportation System Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Iowa Signal, Inc. (Wayne Lesley, President), \$497,211.86.

[\(Council Communication No. 20-550\)](#)

(A) Approving contract and bond and permission to sublet.

57. On 2020 Gray's Lake Shoreline Repair: Resolution approving plans, specifications, form of documents, Engineer's estimate, receive and file bids, and designating lowest responsible bidder as RW Excavating Solutions, LLC (Dan Wilson, Managing Member), \$225,587.50

[\(Council Communication No. 20-544\)](#)

(A) Approving contract and bond and permission to sublet.

58. On Bell Avenue Reconstruction from S.W. 9th Street to S.W. 12th Street: Resolution approving plans, specifications, form of documents, Engineer's estimate, receive and file bids, and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation (Timothy Mallicoat, President), \$451,347.26

[\(Council Communication No. 20-543\)](#)

(A) Approving contract and bond and permission to sublet.

**** END OF HEARINGS _____ P.M. ****

MOTION TO ADJOURN.

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