

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

**January 11, 2021
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 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/82610644838?pwd=YUZLRDQ0swVGhjY0tZcGo0V2JHHz09>

Passcode: 300692

Or join by phone:

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

Webinar ID: 826 1064 4838

PROCLAMATIONS – Proclamation will be read at 4:15 p.m.

CERVICAL CANCER AWARENESS MONTH

1. ROLL CALL

- I. [Recommendation](#) of Mayor Cownie for appointment of Mayor Pro Tem for Calendar Year 2021.

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

3. APPROVING CONSENT AGENDA * – items 3 through 29:

***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)	BEAVER TAP	4050 URBAN DALE AVE	C Liquor
(B)	CINCO ESTRELLAS BAR	1833 HUBBELL AVE	C Liquor

RENEWAL APPLICATIONS

(C)	BAILEYS PUB N GRUB	918 E EUCLID AVE	C Liquor
(D)	CASEYS #2322	4331 PARK AVE	C Beer
(E)	CASEYS #2641	2849 E EUCLID AVE	C Beer
(F)	CASEYS #2786	5150 E 14TH ST	E Liquor
(G)	CONEY ISLAND #2	3700 SW 9TH ST	B Beer
(H)	GIT N GO STORE #24	1142 42ND ST	C Beer
(I)	GIT N GO STORE #27	1240 KEOSAUQUA WAY	C Beer
(J)	GIT N GO STORE #32	2911 DOUGLAS AVE	C Beer
(K)	HAIKU SUSHI	1315 31ST ST	C Liquor
(L)	HIGHLAND PARK POST NO 374	3712 2ND AVE	A Liquor
(M)	HOLIDAY INN EXPRESS	333 SW 11TH ST	C Beer
(N)	HY VEE FOOD STORE #1	3330 M L KING JR PKWY	E Liquor
(O)	JIFFY #924	3718 SW 9TH ST	C Beer
(P)	KUM & GO #573	5830 SE 14TH ST	E Liquor
(Q)	LA CABANA MEXICAN BAR	1435 ARMY POST RD	C Liquor
(R)	SCENIC ROUTE BAKERY	350 E LOCUST ST	C Beer/Wine
(S)	TARGET T2041	5901 DOUGLAS AVE	E Liquor
(T)	UNIVERSITY LIBRARY CAFE	3506 UNIVERSITY AVE	C Liquor

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:
 - (A) [2021 City-Wide](#) Mid-Block Crossing: Receiving of bids, (1-26-21) and Setting date of hearing, (2-22-21). Engineer's estimate, \$215,000.
[\(Council Communication No. 21-003\)](#)
 - (B) [Animal](#) Control Facility: Receiving of bids, (2-9-21) and Setting date of hearing, (3-8-21). Engineer's estimate, \$6,800,000.
[\(Council Communication No. 21-017\)](#)
 - (C) [Fleur](#) Drive Reconstruction, Southbound Lanes, from George Flagg Parkway to Watrous Avenue: Receiving of bids, (1-26-21) and Setting date of hearing, (2-22-21). Engineer's estimate, \$8,500,000.
[\(Council Communication No. 21-018\)](#)
7. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

SPECIAL ASSESSMENTS

8. [Levying](#) Assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code and providing for the payment thereof, (Schedule No. 2021-01).

BOARDS/COMMISSIONS/NEIGHBORHOODS

9. [Recommendation](#) from Council Member Voss to reappoint Stephanie Fleckenstein, PE to the Transportation Safety Committee, Seat 3, for a three-year term ending on January 1, 2024.
10. [Communication](#) from Jon Thyberg advising of his resignation from the Building and Fire Code Board of Appeals, Seat 9, effective immediately.
11. [Communication](#) from Edgardo Ortiz advising of his resignation from Greater Des Moines Sister Cities Commission, Seat 10, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

12. [Regarding](#) approval of a Preliminary Plat "DMPS Community Stadium at Drake University Plat 1" located at 2450 Forest Avenue.

SETTING DATE OF HEARINGS

13. [On](#) request from Campbell’s Holdings, LLC (Eric Campbell, Officer) to rezone property at 3104 East Court Avenue from “N5” Neighborhood District to Limited “I1” Industrial District to allow the property to be used for industrial uses such as outdoor storage, (1-25-21).
14. [On](#) request from February 30th Properties dba South Des Moines Vet Center (Jeremy Beyer, Officer) to amend the PlanDSM Creating Our Tomorrow Plan future land use classification from Low Density Residential within a Community Node to Community Mixed Use within a Community Node and rezone property at 601 Army Post Road and 6302 Southwest 6th Street from “N3a” Neighborhood District and “MX2” Mixed Use District to Limited “MX3” Mixed Use District to allow the property to be developed for Animal Service, Veterinary and Boarding uses, (1-25-21).
15. [On](#) request from James Andrew and Nancy Albright-Andrew (owners) to amend the PlanDSM Creating Our Tomorrow Plan future land use classification from Park and Open Space with Development Control Zone overlay to Low Density Residential and to rezone property at 3900 Southeast 34th Street from “F” Flood District to Limited “N2b” Neighborhood District to allow the property to be filled and developed with a One Household Living Dwelling use, (1-25-21).
16. [On](#) vacation of a portion of street right-of-way located at the southeast corner of Southwest 63rd Street and Southwest Leland Avenue, and conveyance of said vacated right-of-way and the adjoining excess City property to Annett Holdings, Inc. for \$82,000, (1-25-21).
17. [On](#) Land Exchange Agreement with Gloria S. Hoffman for property located at and adjoining 4200 Leonard Place, and acceptance of a temporary easement for construction and construction-related activities, \$6,850, (1-25-21).
18. Number Not Used.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

19. [Approving](#) payment for the property damage claim of Edgar Rodriguez and Lillian Barrientos.
20. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.

APPROVING

21. [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.

[\(Council Communication No. 21-011\)](#)

22. [Chapter](#) 28E agreement with the City of Urbandale regarding establishment of a joint board to support the creation of a Reinvestment District for the Merle Hay Mall campus.

[\(Council Communication No. 21-012\)](#)

23. [Authorization](#) of advancement of costs for the former DICO Property Urban Renewal Project in the Metro Center Urban Renewal Area and certification of expenses incurred by the City for payment under Iowa Code Section 403.19.

24. [Application](#) to the U.S. Department of Treasury for the Emergency Rental Assistance Program.

[\(Council Communication No. 21-020\)](#)

25. [Amended](#) Parking Meter Rate and Time Zone 1.

26. Purchases from the following:

- (A) [Clark Equipment](#) Company dba Bobcat Company (David Rowles, President) for one replacement compact tracked skid steer loader per State of Iowa Contract for use by the Parks and Recreation Department, \$61,555.90.

[\(Council Communication No. 21-009\)](#)

- (B) [Stivers Ford](#) (Scott Politte, General Manager), Dewey Ford (Dan Boettcher, General Manager) and Stew Hansen Dodge City (Dan Boettcher, General Manager) for 16 replacement vehicles per State of Iowa Contract for use by various departments, \$439,887.84.

[\(Council Communication No. 21-007\)](#)

- (C) [Murphy Tractor](#) and Equipment Company (Thomas Udland, President) for an additional tracked asphalt paver with appropriate accessories and a five-year extended warranty per Sourcewell Purchasing Contract for use by the Public Works Department, \$181,126.

[\(Council Communication No. 21-004\)](#)

- (D) [Housby Mack Inc.](#) (Kelly Housby, President) for three truck chassis, McNeilus Truck and Manufacturing (Brad Nelson, President) for two rear loading refuse collection equipment bodies, Gradall Industries Inc. (Mike Hoverman, President) for one sewer cleaning and maintenance equipment body all per Sourcewell Purchasing Contracts for use by the Public Works Department, \$754,349.32.

[\(Council Communication No. 21-008\)](#)

- (E) [Midwest Turf](#) and Irrigation (Leonard Johnson, Owner) for one replacement and one additional slope mower per National Cooperative Purchasing Alliance Contract for use by the Public Works Department, \$97,152.

[\(Council Communication No. 21-010\)](#)

- (F) [OneNeck](#) IT Solutions (Terry Swanson, President and CEO) for server virtualization VMware vSphere Upgrade licensing and three years of software support per National Association of State Procurement Officers Contract for use by the Information Technology Department, \$63,467.22.

[\(Council Communication No. 21-014\)](#)

- (G) [OneNeck](#) IT Solutions (Terry Swanson, President and CEO) for desktop virtualization VMware Horizon licensing and three years of software support per National Cooperative Purchasing Alliance Contract for use by the Information Technology Department, \$146,453.75.

[\(Council Communication No. 21-015\)](#)

27. Number Not Used.

- 28. [Authorizing](#) Finance Director to draw checks registers for the weeks of January 11 and 18, 2021; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 11 and 18, 2021; to draw checks for biweekly payroll due January 15, 2021.

ORDINANCES - SECOND CONSIDERATION

- 29. [Amending](#) Chapter 42-358 relating to notices for nuisances.

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 21-001\)](#)

- (A) Code changes related to the E Grand Avenue Resurfacing Project – E Grand Avenue from Des Moines River to Pennsylvania Avenue; Pennsylvania Avenue from E Grand Avenue to Des Moines Street; and E 6th Street from E Grand Avenue to Des Moines Street
- (B) Parking Restriction Revisions – SW 6th Street, south of Cherry Street.
- (C) Final consideration of ordinance above, requires six votes.

COMMUNICATIONS/REPORTS

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

- (A) Devon Severson.
- (B) Alec Johnson.
- (C) Maxwell Eness.
- (D) Adam Callanan.
- (E) James Grimm.
- (F) KT Menke.
- (G) Debi Howell.
- (H) Holly Hallman.
- (I) Brenda McDonald.
- (J) Molly Arndt.
- (K) Matthew Peirce.
- (L) David Courard-Hauri.
- (M) Shari Hawk.

APPROVING

32. [Establishing](#) new Greenhouse Gas Emissions Reduction Goals and a Community 24x7 Carbon-free Electricity Goal for the City of Des Moines.

- 32I. [COVID-19](#) Relief Program for Des Moines Restaurants.

[\(Council Communication No. 21-013\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 33 THRU 40)

33. [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. **Plan & Zoning Commission recommends denial.**

34. [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. **Plan and Zoning Commission recommends denial.**

35. [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.

36. [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.

[\(Council Communication No. 21-002\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Jamie Baker, Manager, Right-of-Way Services), requires six votes.

37. [Continuance](#) of public hearing on the approval of documents for 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.
38. [On Second](#) Amendment of the Concession Agreement for the Birdland Marina Concession with Less Than Trinity, LLC, d/b/a Captain Roy's.

[\(Council Communication No. 21-006\)](#)

39. [On](#) the authorization of a loan agreement and issuance of not to exceed \$47,000,000 General Obligation Urban Renewal Capital Loan Notes 2021B for an essential corporate purpose.

[\(Council Communication No. 21-016\)](#)

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

40. [On](#) S.W. 5th Street Railroad Crossing Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), \$99,630.00.

[\(Council Communication No. 21-019\)](#)

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

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

MOTION TO ADJOURN.

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