

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

January 25, 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 January 7, 2021 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 Thirteen of the Governor's January 7, 2021 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/87489389070?pwd=amtkdVovNXVsdWdkZXhRV2pFRjdZQT09>

Passcode: 170393

Or join by phone:

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

Webinar ID: 874 8938 9070

I. CLOSED SESSION – 3:00 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 53:

***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) PRIMOS TEX MEX BAR & GRILL 1140 E ARMY POST C Liquor

RENEWAL APPLICATIONS

- | | | | |
|-----|--------------------------|-------------------|----------|
| (B) | 300 CRAFT & ROOFTOP | 300 W MLK JR PKWY | C Liquor |
| (C) | ALBA RESTAURANT | 519 DES MOINES ST | C Liquor |
| (D) | APOSTO | 644 18TH ST | C Liquor |
| (E) | CASEYS #2244 | 2150 E ARMY POST | C Beer |
| (F) | DC MISFITS | 607 SE 30TH ST | C Liquor |
| (G) | FAREWAY STORE #183 | 4313 FLEUR DR | E Liquor |
| (H) | FAST MART | 1621 UNIVERSITY | E Liquor |
| (I) | FLYING MANGO | 4345 HICKMAN RD | C Liquor |
| (J) | GIT N GO STORE #18 | 6501 SE 14TH ST | C Beer |
| (K) | GIT N GO STORE #29 | 4900 URBANDALE | C Beer |
| (L) | HY VEE FOOD STORE #6 | 420 COURT AVE | E Liquor |
| (M) | HY VEE MARKET CAFE #6 | 420 COURT AVE | C Liquor |
| (N) | IOWA TAPROOM | 215 E 3RD ST | C Liquor |
| (O) | LIFT | 222 4TH STREET | C Liquor |
| (P) | MACCABEES DELI & JUDAICA | 1150 POLK BLVD | B Wine |
| (Q) | MARIANAS | 1305 UNIVERSITY | B Beer |
| (R) | PALMERS DELI & MARKET | 2843 INGERSOLL | C Liquor |
| (S) | PANCHEROS MEXICAN GRILL | 2708 INGERSOLL | B Beer |
| (T) | PUEBLO VIEJO | 3841 E 14TH ST | C Liquor |
| (U) | QUINTONS BAR & GRILL | 506 E GRAND AVE | C Liquor |
| (V) | RESIDENCE INN DES MOINES | 100 SW WATER ST | B Liquor |
| (W) | SNAKE PIT LOUNGE | 3100 MCKINLEY AVE | A Liquor |

- (X) TANGERINE FOOD COMPANY 4700 GRAND AVE C Liquor
- (Y) TOBACCO OUTLET PLUS #521 3301 E EUCLID AVE C Beer

TRANSFER TO NEW LOCATION

- (Z) 4H BUILDING 3000 E GRAND AVE B Beer
Temporary transfer to the Elwell Family Food Center for the Beef Expo on February 15 – 17, 2021
- (AA) ELWELL FAMILY FOOD 3000 E GRAND AVE C Liquor
Temporary transfer to the 4H Building for Beef Expo on February 15 – 17, 2021.

SPECIAL EVENTS APPLICATIONS

- (BB) CATTLE BARN 3000 E GRAND AVE C Liquor
Fourteen day license for the Beef Expo on February 8 – 21, 2021.
- (CC) PAVILION 3000 E GRAND AVE B Beer
Fourteen day license for the Beef Expo on February 8 – 21, 2021.

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

PUBLIC IMPROVEMENTS

- 6. [Ordering](#) construction of E. Douglas Avenue Reconstruction - E. 42nd Street to E. 56th Street - Receiving bids, (2-16-21), and Setting date of hearing, (3-8-21). Construction Estimate - \$8,190,440.

[\(Council Communication No. 21-037\)](#)

- 7. [Authorization](#) to submit a Revitalize Iowa’s Sound Economy (RISE) Grant application to the Iowa Department of Transportation (IDOT) for the Des Moines Airport Authority’s Cowles Drive Reconstruction - Phase 2 and 3 Project.

[\(Council Communication No. 21-042\)](#)

- 8. [Approving](#) exception to Request for Proposal (RFP) process for good cause and approving Professional Services Agreement (PSA) with Barker Lemar & Associates, Inc. d/b/a Evora Consulting, LTD. for Dico 2021 Annual Services – Operation, Maintenance, and Sampling of On-Site Groundwater Remediation Treatment System, not to exceed \$120,000.

[\(Council Communication No. 21-036\)](#)

9. Approving the following three Supplemental Agreements to the Professional Services Agreements (PSA) related to the Des Moines Levee Alterations – Phase A, B, and C:

(Council Communication No. 21-031)

- (A) Approving Supplemental Agreement No. 3 to the Professional Services Agreement with Stantec Consulting Services, Inc. for additional professional services for Des Moines Levee Alterations – Phase A, not to exceed \$226,000.
 - (B) Approving Supplemental Agreement No. 2 to the Professional Services Agreement with Stantec Consulting Services, Inc. for additional professional services for Des Moines Levee Alterations – Phase B, not to exceed \$81,000.
 - (C) Approving Supplemental Agreement No. 3 to the Professional Services Agreement with Barr Engineering Company for additional professional services for Des Moines Levee Alterations – Phase C, not to exceed \$260,800.
10. Approving Supplemental Agreement No. 1 to the Professional Services Agreement with Foth Infrastructure & Environment LLC for additional professional services for Western Ingersoll Sewer Separation Phase I, not to exceed \$126,100.

(Council Communication No. 21-043)

11. Approving completion and acceptance of Private Construction Contract between McAninch Corporation and Bridge District II, LLC for sanitary and storm sewer improvements in 730 E. 2nd Street.
12. Communication from contractors requesting permission to sublet certain items on public improvement project.
13. Accepting completed construction and approving final payment for the following:
 - (A) Gray's Station Regional Detention Basin, S.M. Hentges & Sons, Inc.
 - (B) 2020 Downtown Railroad Crossing Improvements, Minturn, Inc.
 - (C) 2019 PCC Pavement Patching Program, Iowa Civil Contracting, Inc.
 - (D) Blank Golf Course Cart Path Repairs, Paco Construction, LLC.
 - (E) Hickman Road Reconstruction at M.L.K Jr. Parkway and 30th Street, Sternquist Construction, Inc.
 - (F) 2020 Municipal Buildings Reroof, Central States Roofing Co.

- (G) [Easter](#) Lake South Watershed Pond Dredging and Improvements, Elder Corporation.
- (H) [519](#) Foster Drive Landslide Roadway Repair, S.M. Hentges & Sons, Inc.
- (I) [Fourmile](#) Community Center Renovation and Sprinkler System, Koester Construction Company, Inc.
- (J) [42nd](#) Street Reconstruction from Grand Avenue to Pleasant Street, Grimes Asphalt and Paving Corporation.

SPECIAL ASSESSMENTS

- 14. [Levy](#) assessments for costs of Nuisance Abatement-NAC-Emergency Orders (Community Development), Schedule No. 2021-01.
- 15. [Deletion](#) of rental inspection assessment at 1235 34th Street.

LAND/PROPERTY TRANSACTIONS

- 16. [Rededicating](#) East Elm Street between Southeast 6th Street and Southeast 7th Street for right-of-way purposes.
- 17. [Authorization](#) to proceed with acquisition of the necessary property interests for the Closes Creek Watershed Improvements Project.

[\(Council Communication No. 21-029\)](#)

- 18. [Conditionally](#) approving final plat for Ruby Rose Ridge Plat 1 located in the vicinity of 5066 NE 23rd Avenue.

[\(Council Communication No. 21-023\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 19. [Recommendation](#) by Council Member Voss to appoint Hilary R. Woodhouse to the Neighborhood Revitalization Board, Seat 13, to fill vacancy with a term ending on June 30, 2022.

SETTING DATE OF HEARINGS

20. [On](#) vacation of the east-west alley right-of-way located in the block bounded by 1st Street, Oxford Street, Sheridan Avenue and Arthur Avenue, and conveyance to Glaser Holdings, LLC for \$3,600, (2-8-21).
21. [On](#) city-initiated request to vacate a portion of Raccoon Street and Alley right-of-way located between Southeast 4th Street and Southeast 5th Street, north of East Martin Luther King, Jr. Parkway, (2-8-21).
22. [On](#) Third Amendment to lease agreement with South Des Moines Little League for the James W. Cownie Baseball Park, (2-8-21).

[\(Council Communication No. 21-028\)](#)

23. [To](#) adopt a resolution establishing the total maximum property tax dollars certified for levy for fiscal year ending June 30, 2022, (2-8-21).
24. [On](#) the matter of proposed authorization of a loan and disbursement agreement and the issuance of not to exceed \$28,750,000 Sewer Revenue Capital Loan Notes, and the issuance thereof, (3-8-21).
25. [On](#) the matter of proposed authorization of a loan and disbursement agreement and issuance of not to exceed \$3,750,000 Stormwater Management Utility Revenue Capital Loan Notes and the issuance thereof, (3-8-21).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. [Approving](#) payment to Sally Hicks.
27. [Approving](#) retention of outside counsel.
28. [Approving](#) payment for the claim of Nationwide Insurance as subrogee for Min U.

APPROVING

29. [Grant](#) agreements with the U.S. Department of Housing and Urban Development (HUD) for funding revisions in the City's 2020 Action Plan as part of the 2020-2024 Consolidated Plan.

[\(Council Communication No. 21-021\)](#)

30. [Second](#) round of Supplemental Community Block Grant Funding to prepare for, prevent, and respond to coronavirus (CDBG-CV2) allocations for Childcare and Mental Health Care Providers.

[\(Council Communication No. 21-046\)](#)

31. [Second](#) round of Supplemental Emergency Solutions Grant Funding to prepare for, prevent and respond to coronavirus (ESG-CV 2) allocations.

[\(Council Communication No. 21-022\)](#)

32. [Preliminary](#) terms of an Urban Renewal Development Agreement with 3523 6th Avenue, LLC (Joe Cordaro, Principal, Benchmark Real Estate Group and Randy Reichardt, Owner, RWR Development LLC) for the Commercial Renovation of 3523 6th Avenue.

[\(Council Communication No. 21-032\)](#)

33. [Preliminary](#) terms of an Urban Renewal Development Agreement with 3524 6th Avenue, LLC (Joe Cordaro, Principal, Benchmark Real Estate Group and Randy Reichardt, Owner, RWR Development, LLC) for the Mixed-Use Multi-Residential and Commercial Renovation of 3524 6th Avenue.

[\(Council Communication No. 21-035\)](#)

34. Number Not Used

35. [Second](#) Amendment to Amended and Restated Urban Renewal Agreement, Assignment and Assumption Agreement, and Amended Declaration of Covenants with Miesblock Commercial, LLC, (Michael K. Nelson).

[\(Council Communication No. 21-048\)](#)

36. [Urban](#) Renewal Development Agreement with FW Rehab, LLC (Abbey Gilroy), and approving Conceptual Development Plan, for the renovation of 3610 6th Avenue into a Mixed-Use Residential and Commercial Development.

[\(Council Communication No. 21-044\)](#)

37. [Issuance](#) of Certificate of Completion to Bell Avenue Properties, Inc. for the redevelopment of property located in the vicinity of the intersection of SW McKinley Avenue and SW 63rd Street.
38. [Economic](#) Development Assistance Contract with Iowa Economic Development Authority, Electro Management Corporation and Electrical Power Products, Inc. under the High-Quality Jobs Program (HQJP) (Phase I-A Improvements).
39. [First](#) Amendment to Agreement with Community Action Partnership (IMPACT) for assumption as Community Action Agency serving the City of Des Moines.

[\(Council Communication No. 21-041\)](#)

40. [Letter](#) of Support for Des Moines Municipal Housing Agency's Disposition Application.
41. [Fifth](#) Amendment and renewal of contract for single stream recyclables processing services with Mid-America Recycling, LLC.

[\(Council Communication No. 21-024\)](#)

42. [Intergovernmental](#) Transfer of public funds pursuant to agreement with Iowa Department of Human Services.

[\(Council Communication No. 21-026\)](#)

43. [Directing](#) the advertisement for sale of \$39,325,000 General Obligation Refunding Capital Loan Notes, Series 2021A, and approving Electronic Bidding Procedures and [Official Statement](#) (**bonds will be sold at 10:00 a.m. on February 3, 2021 and a Special Council meeting will be held at 4:30 p.m.**).

44. [Directing](#) the advertisement for sale of \$45,415,000 Taxable General Obligation Urban Renewal Capital Loan Notes, Series 2021B and approving Electronic Bidding Procedures and [Official Statement](#) (**bonds will be sold at 10:00 a.m. on February 3, 2021 and a Special Council meeting will be held at 4:30 p.m.**).

45. [Communication](#) from Downtown Community Alliance, on behalf of the Greater Des Moines Partnership, for approval of up to seven (7) banners on seven (7) banner poles in Downtown Des Moines beginning March 19 through September 2021. These banners will be displayed on Locust Street outside of Meredith Corporation between 18th and 15th Street.

46. Abatement of public nuisances as follows:
- (A) [1124](#) Maish Avenue.
 - (B) [1818](#) 48th Street.
 - (C) [1507](#) Southlawn Drive.
 - (D) [1601](#) Army Post Road Common Area, Lots 4, 5, 8, 9, 10, 21, 24, 25, 26, 27
47. [Communication](#) of fire escrow at 329 E. Thornton Avenue.
48. Release of fire escrow for the following:
- (A) [4104](#) Ashby Avenue.
 - (B) [1716](#) 41st Street.
49. Purchases from the following:
- (A) [Arbor](#) Masters Tree Service (Heather Dirksen, President) for tree removal and stump grinding services in City's right-of-ways related to the derecho storm on August 10, 2020 to be used by the Public Works Department Forestry Division, \$60,280. (Eight potential bidders, four received)
 - (B) [Communication](#) Data Link (Nate Pettit, Senior Vice President and CFO) for an annual contract with two additional one-year renewal options to furnish subsurface utility locating services to be used for various capital improvement projects by the Engineering Department, \$75,750 annual estimated cost. (Eight potential bidders, one received)
50. [Acquisition](#) of Personal Protective Equipment (PPE), fire coats and pants, by utilizing Municipal Code section 2-726(d) for the sole source purchase from Honeywell First Responder and to allow the Fire Department's annual purchase authority of up to \$250,000.
- [\(Council Communication No. 21-025\)](#)
51. [Purchase](#) of five (5) portable digital imaging equipment for the statewide Explosive Ordnance Detection (EOD) teams from Scanna MSC Inc. with 2020 Homeland Security grant dollars.
- [\(Council Communication No. 21-027\)](#)
52. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 25 and February 1, 2021; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 25 and February 1, 2021; to draw checks for biweekly payroll due January 29, 2021.

ORDINANCES - FINAL CONSIDERATION

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

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

ORDINANCES - FIRST CONSIDERATION

54. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

[\(Council Communication No. 21-045\)](#)

- (A) Traffic Control Change—Intersection of 14th Street and Oak Park Avenue.
- (B) Code Modification to Southwest McKinley Avenue, Southwest McKinley Drive, and Southwest 61st Street due to the Waldinger Development at 6200 Scout Trail.

55. [Amending](#) Chapter 26, Article IV, Sections 26-400 and 26-406 and repealing Sections 26-405 and 26-413, relating to the Electrical Code.

[\(Council Communication No. 21-034\)](#)

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

56. [Amending](#) Section 62-3, relating to procedures for processing Human Rights complaints.

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

57. [Amending](#) 42-259, relating to motorized vehicles.

[\(Council Communication No. 21-040\)](#)

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

COMMUNICATIONS/REPORTS

57I. [Requests](#) to speak as follows:

- (A) Brittany Ruland.
- (B) Adam Callanan.
- (C) James Grimm.
- (D) Denver Foote.
- (E) Paden Sheumaker.
- (F) Jaylen Caviel.
- (G) Molly Arndt.
- (H) Luiz Gomez.
- (I) Emily Gibson.
- (J) Holly Herbert.
- (K) Luke Bascom.
- (L) Giovanni Bahena.
- (M) Leah Plath.

APPROVING

58. [Directing](#) the City Manager and City Attorney to draft an Ordinance amending the Municipal Code concerning marijuana for City Council review should changes in Federal or State Law permit adoption of such an Ordinance.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 59 THRU 65)

59. [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.

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Eric Campbell, Officer), requires six votes.

60. 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.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by James Andrew and Nancy M. Albright-Andrew, Owners), requires six votes.
61. 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 allow the property to be developed for Animal Service, Veterinary and Boarding uses.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Jeremy Beyer, Owner), requires six votes.
62. 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.
- (Council Communication No. 21-030)
- (A) First consideration of ordinance above.
63. On selecting the developer, approving Urban Renewal Agreement with The District Developer, LLC for the sale of the land for private redevelopment, and for development of land owned and to be owned by Developer in the Market District in the East Village and part of the Metro Center Urban Renewal Area.
- (Council Communication No. 21-047)
64. 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.

65. [Dismiss](#) hearing for approval of 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.

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

MOTION TO ADJOURN.

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