

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

February 08, 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.

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

Please click this URL to join.

<https://dmgov-org.zoom.us/j/89292260565?pwd=VWZrVlhpRkFwb01qUjlRcйтkTIRKQT09>

Passcode: 616663

Or join by phone:

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Webinar ID: 892 9226 0565

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 45:

***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)	CASH SAVER #33	1320 E EUCLID AVE	E Liquor
(B)	FIRM	216 COURT AVE	C Liquor
(C)	LACHELES FINE FOODS	2716 INGERSOLL	C Liquor
(D)	STRANDED AT D & R	1922 HUBBELL AVE	C Liquor

RENEWAL APPLICATIONS

(E)	CASEYS #3518	1907 ARMY POST RD	E Liquor
(F)	COONEYS TAVERN	3708 BEAVER AVE	C Liquor
(G)	DES MOINES YACHT CLUB	2617 INGERSOLL	C Liquor
(H)	GIT N GO STORE #23	2930 HICKMAN RD	C Beer
(I)	GUSTO PIZZA CO	1905 INGERSOLL	C Beer/Wine
(J)	IN & OUT MARKET	1829 6TH AVE	C Beer
(K)	LA CRUZ #3	3900 E 14TH ST	C Beer
(L)	TOBACCO OUTLET #503	400 EUCLID AVE	C Beer

SPECIAL EVENT APPLICATION

- (M) GREAT CATERERS 3000 E GRAND AVE Five (5) Day License
Class C Liquor License for Iowa Semmental Association event on February 13,
2021.

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) [Euclid](#) Avenue Three Lane Pilot Project 2nd Avenue to 12th Street: Receiving of bids, (2-23-21) and Setting date of hearing, (3-22-21). Engineer’s estimate, \$150,000.

[\(Council Communication No. 21-057\)](#)

- (B) [2021](#) PCC Residential Paving Program: Receiving of bids, (2-23-21) and Setting date of hearing, (3-22-21). Engineer’s estimate, \$1,000,000.

[\(Council Communication No. 21-056\)](#)

- (C) [Women](#) of Achievement Bridge Lighting Improvements: Receiving of bids, (2-23-21) and Setting date of hearing, (3-22-21). Engineer's estimate, \$165,000.

[\(Council Communication No. 21-054\)](#)

8. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreements for resurfacing with milling of Merle Hay Road (U.S. Highway 6) from Hickman Road to Douglas Avenue and Douglas Avenue (U.S. Highway 6) from Merle Hay Road to the Des Moines River.

[\(Council Communication No. 21-058\)](#)

9. [Approving](#) Change Order No. 1 with Jasper Construction Services, Inc. for additional work on River Bend and King Irving Sewer Separation Phase 2A, in an amount of \$555,030.67.

[\(Council Communication No. 21-067\)](#)

10. [Accepting](#) completed construction and approving final payment for 3226 University Avenue HVAC Replacement, Central Iowa Mechanical Company.

SPECIAL ASSESSMENTS

11. [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. 2021-02).

LAND/PROPERTY TRANSACTIONS

12. [Approving](#) Escrow Agreement for PUD Restoration for grading work associated with "Northridge" PUD in the vicinity of 4600 and 4700 E. 14th Street.
13. [Partially](#) releasing Letter of Credit Surety for "Parkside Estates Plat 1", in the vicinity of 150 E. County Line Road.
14. [Releasing](#) Cash Bond Surety for "Waveland Park Townhomes Plat 1", located at 4805 Observatory Road.
15. [Releasing](#) PUD Restoration and Subdivision Bond for "Beaver Cove Plat 1", in the vicinity of 4209 Lower Beaver Road.
16. [Releasing](#) Letter of Credit Surety for "Brook Run Village Plats 13, 14 and 15", located north of E. Hull Avenue, west of Village Run Drive and south of E. Douglas Avenue.

17. [Authorization](#) to proceed with acquisition of the necessary property interests for the 34th Street and Leado Avenue Intersection Improvements Project.

[\(Council Communication No. 21-053\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. [Receive](#) and refer communication from the Zoning Board of Adjustment regarding request for Development Services Department to review the signage regulations for signs on existing commercial buildings in “F” zoning districts.
- 18I. [Recommendation](#) from Mayor and Council on appointments to the Food Security Task Force.

COMMUNICATIONS FROM PLANNING AND ZONING

19. [Regarding](#) request from Polk County Conservation Board (Applicant) for vacation of the following segments of public street in the vicinity of 3546 East Sheridan Avenue, for purpose of a project to remove the roadways and restore the area for incorporation into the Lower Fourmile Creek Greenway. Adjoining land is owned by Polk County.
 - (A) East Sheridan Avenue from East 35th Street to East 36th Street.
 - (B) East 35th Street from Hull Avenue to Arthur Avenue.
 - (C) East 39th Street from East Jefferson Avenue to Four Mile Drive.
 - (D) Osceola Avenue from East 40th Street to East 41st Street.
 - (E) East 40th Street from Osceola Avenue to East Washington Avenue Right-of-Way developed with the Gay Lea Wilson Trail.
 - (F) East 41st Street from Osceola Avenue to Indianapolis Avenue.

SETTING DATE OF HEARINGS

20. [On](#) request from HJT, Inc (Jack Houghton, Officer) to rezone property located at 2101 Dixon Street from ‘I1’ Industrial District to Limited ‘I2’ Industrial District, to allow property to be used additionally for the transfer of hazardous and flammable materials, (2-22-21).
21. [On](#) request from Porter Hardware, Inc. (Owner) to rezone property locally known as 4207 Hubbell Avenue from ‘MX3’ Mixed Use District to ‘CX’ Mixed Use District, to allow the property with an existing Retail Sales, General and Vehicle Sales and Rental Equipment Use to expand to Retail Sales, Large Format with additional Warehouse and Accessory Outdoor Storage Use, (2-22-21).

22. [On](#) request from City of Des Moines (owner) to amend PlanDSM: Creating Our Tomorrow future land use designation in the vicinity of 1501 Harriet Street to be rezoned from ‘I1’ Industrial District to ‘P2’ Public, Civic & Institutional, to allow the property to be developed with public recreation area use, (2-22-21).
23. [On](#) request from JC AM Group, LLC (Owner) to amend PlanDSM: Creating Our Tomorrow future land use classification and to rezone property located at 1503 5th Avenue from ‘N5’ Neighborhood District to ‘N5-2’ Neighborhood to allow the property to be converted to a Two-Household use (duplex), (2-22-21).
24. [On](#) the proposed Urban Renewal Plan for the Hilltop Urban Renewal Area located in the 3500-3600 block of Hubbell Avenue, at the intersection of E. Douglas Avenue and Kennedy Drive, (3-22-21).

[\(Council Communication No. 21-065\)](#)

25. [On](#) request from JOPPA, LLC (Owner) to amend the PlanDSM: Creating Our Tomorrow Plan future land use classification from Low Density Residential to Low-Medium Residential and rezone property in the vicinity of 1010 13th Street from ‘N5’ Neighborhood District to ‘N5-2’ Neighborhood District, to allow the property to be developed with a Two-Household Living use (duplex), (2-22-21).
26. [On](#) request from Catholic Health Initiatives – Iowa Corporation d/b/a Mercy Medical Center Des Moines (Owner) for review and approval of a proposed 7th Amendment to Mercy Medical Center PUD Conceptual Plan on property located in the vicinity of 1111 6th Avenue, to allow construction of a canopy on the building known as 411 Laurel Street and revision of the campus sign plan, (2-22-21).
27. [On](#) request from Jerry’s Homes, Inc. for approval of a 2nd Amendment to the Pearl Lake PUD Conceptual Plan, on property located at 3009 East Payton Avenue and in the vicinity of the 3001 block of East Payton Avenue, to allow revision to the street layout, change the property on the East Army Post Road frontage to large-lot One-Household lots from previously approved Townhomes, and reduce the minimum lot sizes for specified lots to have a minimum 70-foot width and minimum 9,600-square foot area. Additional property is owned by Janet Bainter and City of Des Moines, (2-22-21).
28. [On](#) request from Wesley Retirement Services, Inc. for approval of an amendment to the Wesley Acres PUD Conceptual Plan on property located at 3520 Grand Avenue and 401 37th Street, (2-22-21).
29. [On](#) proposed amendments to Zoning Ordinance, (2-22-21).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

30. [Approving](#) payment for the property claim of Owners Insurance Company as subrogee for Bernadine Rewalt.
31. [Approving](#) payment for the claim of Polito's La Pizza House.
32. [Approving](#) retention of outside Counsel.
33. [Approving](#) retention of outside Counsel.

APPROVING

34. [Preliminary](#) terms of an Urban Renewal Development Agreement with Stapek Partners, LLC (Tim Rypma) for the historic renovation of the existing 17,657 square-foot commercial building located at 112 SE 4th Street.

[\(Council Communication No. 21-064\)](#)

35. [Final](#) terms of an Urban Renewal Development Agreement with 3801 Grand Associates, L.P. and Newbury Management Company (Frank Levy, President) for the construction of a 56-unit multi-residential apartment building located at 3705-3707 Grand Avenue.

[\(Council Communication No. 21-059\)](#)

36. Number Not Used.

37. Number Not Used.

38. Number Not Used.

39. [Submittal](#) of Transportation Alternative Program (TAP)/Federal Surface Transportation Block Grant (STBG) set-aside program fiscal year (FY) 2025 application to Des Moines Metropolitan Planning Organization (MPO) for Central Place Levee Trail, Phase 2.

[\(Council Communication No. 21-050\)](#)

40. [Access](#) and Indemnification Agreement with Dico, Inc. and Titan International, Inc. to allow asbestos inspection on the Dico property.

41. [Loan](#) Agreement Extension with U.S. Navy for public display of USS Des Moines model.

42. [Receive](#) and file Quarterly Treasurer's Report as of December 31, 2020.

43. [Approving](#) traffic paint purchase from Diamond Vogel Paint, (Jeff Powell, President) per Iowa Department of Transportation (IDOT) Contract 7697, \$65,000.

[\(Council Communication No. 21-069\)](#)

44. [Authorizing](#) Finance Director to draw on checks registers for the weeks of February 8 and 15, 2021; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 8 and 15, 2021; to draw checks for biweekly payroll due February 12, 2021.

ORDINANCES - SECOND CONSIDERATION

45. [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) [Final](#) consideration of ordinance above (waiver requested by James Andrew and Nancy M. Albright-Andrew, Owners), requires six votes.

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

ORDINANCES - FIRST CONSIDERATION

46. [Amending](#) Sections 26-904 and 26-905, relating to revised deadlines for submittal of energy and water use benchmarking reports and exemptions.

[\(Council Communication No. 21-052\)](#)

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

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

[\(Council Communication No. 21-070\)](#)

- (A) Code Modification to extend commercial loading zone on the east side of 18th Street between Woodland and Grand Avenues.
- (B) Code Modifications to restrict parking and remove commercial loading zone on the west side of 5th Avenue between Mulberry and Walnut Streets.

APPROVING

- 47I. [Public](#) Works Stormwater Infrastructure Advisory Committee's [Annual Report](#) regarding the status of community goals.

[\(Council Communication No. 21-051\)](#)

48. [Proposed](#) Preliminary District Plan for the Capital City Reinvestment District and approving the submission of a pre-application to the Iowa Economic Development Authority (IEDA) for provisional approval of the District.

[\(Council Communication No. 21-060\)](#)

- 48I. [Support](#) of the proposed pre-application for the Merle Hay Campus Reinvestment District.

[\(Council Communication No. 21-061\)](#)

- 48II. [Preliminary](#) terms for sale and/or lease of City-owned property and for an Urban Renewal Development Agreement with Krause+ for the phased, master planned redevelopment of approximately 60-acres of property, south of Martin Luther King, Jr. Parkway, east of the Raccoon River and 6-acres of property in the Western Gateway area, bounded by High Street and Grand Avenue between 15th, 16th, and 17th Streets.

[\(Council Communication No. 21-062\)](#)

COMMUNICATIONS/REPORTS

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

- (A) Adam Callanan.
- (B) Holly Herbert.
- (C) Molly Arndt.
- (D) Brenda McDonald.
- (E) Debi Howell.
- (F) Casey Erixon.
- (G) Lenin Cardwell.
- (H) Jaylen Caviel.
- (I) Denver Foote.
- (J) Jacob Grobe.
- (K) Jalesha Johnson.
- (L) Harleigh Boldridge.
- (M) Bridget Pedersen.

- (N) Rev. Emily E. Ewing.
- (O) Paden Sheumaker.
- (P) Vanessa Moranchel.
- (Q) Indira Sheumaker.
- (R) Leah Plath.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 50 THRU 56)

50. [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.

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Phillip Wageman, Real Estate Division Manager), requires six votes.

51. [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.

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Phillip Wageman, Real Estate Division Manager), requires six votes.

52. [On](#) Third Amendment to lease agreement with South Des Moines Little League for the James W. Cownie Baseball Park.

[\(Council Communication No. 21-063\)](#)

53. [To](#) adopt a resolution establishing the total maximum property tax dollars certified for levy for fiscal year ending June 30, 2022. **Requires five affirmative votes.**

[\(Council Communication No. 21-071\)](#)

54. [2021](#) Bridge and Culvert Repair: 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), \$244,475.

[\(Council Communication No. 21-055\)](#)

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

55. On 2021 Neighborhood Sidewalk Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as TK Concrete, Inc, (Tony J. VerMeer, President), \$821,579.

(Council Communication No. 21-068)

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

56. On Ingersoll Avenue Streetscape from 24th Street to 28th Street (north side): Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as Jasper Construction Services, Inc, (Clifford Rhoads, President), \$3,262,736.

(Council Communication No. 21-066)

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

****END OF HEARINGS _____****

MOTION TO ADJOURN.

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