

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

February 22, 2021
4:30 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 February 5, 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 Eight of the Governor's February 5, 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/87648803163?pwd=cFZJZ0RpbWhUeXRuMldrNytKVkcvQT09>

Passcode: 135935

Or join by phone:

Dial:

US: +1 312 626 6799 or 877 853 5257 (Toll Free)

Webinar ID: 876 4880 3163

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 38:

***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) | BB & BISTRO/OTTS | 4121 SE 14TH ST | C Liquor |
| (B) | CASH SAVER #34 | 4121 FLEUR DR | E Liquor |

RENEWAL APPLICATIONS

- | | | | |
|-----|---------------------------|-------------------|-------------|
| (C) | ANNIES IRISH PUB | 204 3RD ST | C Liquor |
| (D) | BARATTAS - BLANK PARK ZOO | 7401 SW 9TH ST | C Liquor |
| (E) | CENTRAL CITY LIQUOR | 1460 2ND AVE | E Liquor |
| (F) | CURBIN CUISINE | 2713 BEAVER AVE | C Beer/Wine |
| (G) | ERNIES BOONDOCK | 440 E GRAND AVE | C Liquor |
| (H) | GATEWAY MARKET MLK | 2002 WOODLAND | C Liquor |
| (I) | GIT N GO STORE #28 | 3274 E UNIVERSITY | C Beer |
| (J) | H & A MINI MART | 5901 FLEUR DR | E Liquor |
| (K) | HAMPTON INN DM AIRPORT | 5001 FLEUR DR | C Beer |
| (L) | HILTON DES MOINES | 435 PARK ST | B Liquor |
| (M) | INGERSOLL LIQUOR | 3500 INGERSOLL | E Liquor |
| (N) | SIMONS | 5800 FRANKLIN AVE | C Liquor |
| (O) | TRUMANS | 400 SE 6TH ST | C Liquor |
| (P) | WASABI CHI | 5418 DOUGLAS AVE | C Liquor |
| (Q) | WEST END LOUNGE | 2309 FOREST AVE | C Liquor |
| (R) | WISCO GRUB & PUB | 3015 MERLE HAY RD | C Liquor |
| (S) | WOOLYS | 504 E LOCUST ST | C Liquor |

SPECIAL EVENT APPLICATIONS

- | | | | |
|-----|------------------|-------------|-----------------------------------------------------------------------------------------------|
| (T) | YOUR PRIVATE BAR | 519 PARK ST | Five (5) Day License
Class C Liquor License for a wedding reception show on March 7, 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) [2021](#) Riverwalk Improvements – Balustrade Replacement: Receiving of bids, (3-9-21) and Setting date of hearing, (4-5-21). Engineer’s estimate, \$195,000.

[\(Council Communication No. 21-079\)](#)

- (B) [Western](#) Ingersoll Run Sewer Separation Phase 1: Receiving of bids, (3-9-21) and Setting date of hearing, (4-5-21). Engineer's estimate, \$10,095,000.

[\(Council Communication No. 21-090\)](#)

- 8. [Approving](#) Change Order No. 11 with J & K Contracting, LLC for additional work on Lower Oak and Highland Park Sewer Separation Phase 3, in the amount of \$123,571.04.

[\(Council Communication No. 21-080\)](#)

- 9. [Application](#) to the Iowa Department of Natural Resources (IDNR) for a Water Resources Restoration Sponsored Project to fund implementation of Urban Storm Water Best Management Practices and Green Infrastructure.

[\(Council Communication No. 21-076\)](#)

- 10. [Communications](#) from contractors requesting permission to sublet certain items on public improvement projects.

- 11. Accepting completed construction and approving final payment for the following:

- (A) [University](#) Avenue Rehabilitation from 56th to 48th Street, OMG Midwest, Inc d/b/a Des Moines Asphalt Paving.

- (B) [Agrimergent](#) Storm Sewer Phase 2, S.M. Hentges & Sons, Inc.

- (C) [16th](#) Street Brick Repair from Day Street to Ascension Street, Miner Hardscape, LLC.

SPECIAL ASSESSMENTS

- 12. [Levy](#) assessments for costs of Nuisance Abatement-NAC-Emergency Assessment (Community Development), Schedule No. 2021-02.

- 13. [Levy](#) assessments for costs of Public Works Sewer Repair Schedule No. 2021-01, 1127 23rd Street, and providing for the payment thereof.

LAND/PROPERTY TRANSACTIONS

14. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2020 (315 applications).

[\(Council Communication No. 21-074\)](#)

COMMUNICATIONS FROM PLANNING AND ZONING

15. [Regarding](#) City-initiated request for vacation of segments of right-of-way within the Market District.

SETTING DATE OF HEARINGS

16. [On](#) the 2020 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER), (3-22-21).

~~17. [On an amendment to the 2019 Action Plan for the U.S. Department of Housing and Urban Development \(HUD\) 2015-2019 Consolidated Plan, \(3-8-21\).](#) WITHDRAWN~~

18. [On](#) city-initiated request for vacation a segment of East 38th Street right-of-way between Hubbell Avenue and East Douglas Avenue and conveyance to Git-N-Go Convenience Stores, Inc for \$69,440, (3-8-21).

(A) [Receive](#) and file communication from Plan and Zoning Commission.

19. [On](#) request from Mundo Pequenito, LLC to vacate a segment of Southwest 1st Street right-of-way between Columbus Avenue and Indianola Road and conveyance to Mundo Pequenito, LLC for \$4,320, (3-8-21).

20. [To](#) correct the vacation of a portion of Ashworth Park located north of and adjoining 514 Foster Drive, (3-8-21).

21. [To](#) correct the vacation of a portion of Court Avenue right-of-way located south of and adjoining 319 Court Avenue, (3-8-21).

22. [On](#) the proposed First Amendment to the Urban Renewal Plan for the Oak Park-Highland Park Urban Renewal Area, (4-5-21).

[\(Council Communication No. 21-087\)](#)

23. [On](#) the proposed Second Amendment to the Urban Renewal Plan for the 38th and Grand Urban Renewal Area, (4-5-21).

[\(Council Communication No. 21-088\)](#)

24. [On](#) the proposed Eighth Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area, (4-5-21).

[\(Council Communication No. 21-089\)](#)

25. [On](#) the proposition to authorize a Master Equipment Lease Agreement in the principal amount of not-to-exceed \$275,000, for the purpose of acquiring certain items of equipment consisting of up to eleven (11) Nissan Leaf Electric Vehicles, (3-8-21).

26. Setting date of hearing on items regarding the budget, (3-8-21):

- (A) [On](#) amendment to the annual budget for current fiscal year ending June 30, 2021.
- (B) [On](#) proposed budget for the fiscal year ending June 30, 2022.

27. [On](#) consideration of the recommended Capital Improvement Program (CIP) for fiscal years 2021-22 through 2025-26, (3-8-21).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. [Approving](#) payment to Mary Moore-Johnson.
29. [Approving](#) payment for the property damage claim of Jordan and Darian Campbell.

APPROVING

- 29I. [Preliminary](#) terms of an Urban Renewal Development Agreement with Hilltop Housing, LLC for the new construction of two (2) Multi-family Apartment Buildings, consisting of a 42-unit Family Apartment Building, and a 42-unit Senior Apartment Building located in the vicinity of 3600 Hubbell Avenue at the Hilltop Apartments site.

[\(Council Communication No. 21-082\)](#)

30. [Urban](#) Renewal Development Agreement with Tree House Partners, LLC (Tim Rypma, Paul Cownie and Jeremy Cortright) for the historic renovation of three existing multi-residential apartment buildings located at 2315 Grand Avenue, within the Ingersoll Grand Commercial Urban Renewal Area.

[\(Council Communication No. 21-086\)](#)

31. [Issuance](#) of Certificate of Completion to Jarcor, LLC, for converting the historic renovation of the Argonne Apartments Building at 1723 Grand Avenue for a Mixed-Use Residential and Commercial Development.

32. [Iowa](#) Department of Natural Resources REAP Grant Agreement for MacRae Park Improvements Phase 3.

[\(Council Communication No. 21-075\)](#)

33. [Submittal](#) of applications in the second funding cycle of Iowa's Volkswagen Settlement Environmental Mitigation Trust for Zero Emission Vehicle Supply Equipment in March 2021.

[\(Council Communication No. 21-091\)](#)

34. [Request](#) from We Can Build It, LC to allow the Beavertdale Farmers Market and other special events in accordance with "Franklin Junior High School" PUD Conceptual Plan for property located at 4801 Franklin Avenue.

[\(Council Communication No. 21-083\)](#)

35. Abatement of public nuisances at the following:

- (A) [1203](#) Forest Avenue.
- (B) [1006](#) E Lacona Avenue.
- (C) [1058](#) 56th Street.
- (D) [3315](#) SW 12th Place.
- (E) [1413](#) Pioneer Road.
- (F) [3114](#) 6th Avenue.
- (G) [1848](#) E Walnut Street.
- (H) [3216](#) E Euclid Avenue.
- (I) [4020](#) SE 14th Street.
- (J) [1544](#) Des Moines Street.
- (K) [1538](#) 29th Street.
- (L) [1813](#) 22nd Street.

36. Release of fire escrow at the following locations:

- (A) [2565](#) E. Euclid Avenue.
- (B) [1429](#) Martin Luther King Jr. Parkway.

37. [Authorizing](#) Finance Director to draw check registers for the weeks of February 22 and March 1, 2021; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 22 and March 1, 2021; to draw checks for biweekly payroll due February 26, 2021.

37I. [Issuance](#) of \$34,760,000 General Obligation Refunding Capital Loan Notes, Series 2021A, and Levying a tax to pay said Notes; Approval of the Tax Exemption Certificate and Continuing Disclosure Certificate.

37II [Issuance](#) of \$43,835,000 Taxable General Obligation Urban Renewal Capital Loan Notes, Series 2021B, and Levying a tax to pay said Notes; Approval of the Continuing Disclosure Certificate.

ORDINANCES - SECOND CONSIDERATION

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

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

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 21-085\)](#)

- (A) Code modifications related to the vacation of 25th Street between Clark Street and Forest Avenue.
- (B) Code modifications related to the Franklin Avenue Resurfacing from Beaver Avenue to Merle Hay Road Project.
- (C) Code modifications related to the Brook Landing Plat 2 Development.

CITY MANAGER RECOMMENDATIONS

40. [Receive](#) and file report regarding expenditures for Goods and Services pursuant to City Manager's Declaration of Operating Emergency dated January 7, 2021 and ending on February 15, 2021.

[\(Council Communication No. 21-072\)](#)

COMMUNICATIONS/REPORTS

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

- (A) Adam Callanan.
- (B) Vanessa Moranchel.
- (C) Shirley Evans.
- (D) Bridget Pedersen.
- (E) KT Menke.
- (F) Chelsea Chism-Vargas.
- (G) Denver Foote.
- (H) Luiz Gomez.
- (I) Brenda McDonald.
- (J) Debra Howell.
- (K) Monika Owczarski.
- (L) Paden Sheumaker.
- (M) Jacob Grobe.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 42 THRU 56)

42. [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.
- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by City Manager), requires six votes.
43. [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.
- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by Jack Houghton, Officer), requires six votes.
44. [On](#) request from JC AM Group, LLC (Owner) to amend PlanDSM: Creating Our Tomorrow future land use designation 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).
- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by John Cheng, Officer), requires six votes.
45. [On](#) request from Porter Hardware, Inc. (Owner) to rezone property located at 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.
- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by David Porter, Owner), requires six votes.

46. [On](#) request from JOPPA, LLC (Owner) to amend the PlanDSM: Creating Our Tomorrow Plan future land use designation 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).
 - (A) [First](#) consideration of ordinance above.
47. [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.
48. [On](#) request from Catholic Health Initiatives – Iowa Corporation d/b/a Mercy Medical Center Des Moines (Owner) for 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.
49. Continuing hearing 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.
50. [On](#) proposed amendments to Zoning Ordinance by amending Sections 134-6.5.2, 134-6.6.2 and 134-7.2.3 relating to expansion or extension of legal non-conforming residential uses within one-household and two-household residential structures by addition thereto, and the construction of detached private garages and outbuildings on lots containing such residential structures.

[\(Council Communication No. 21-077\)](#)

- (A) [First](#) consideration of ordinance above.
51. Number Not Used.
52. Number Not Used.
53. Number Not Used.

54. On Fleur Drive Reconstruction, Southbound lanes, from George Flagg Parkway to Watrous Avenue: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as InRoads, LLC (Joseph Manatt, President), \$6,460,390.51.

(Council Communication No. 21-081)

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

55. On Ingersoll Avenue 42nd Street to Polk Boulevard Reconstruction: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as Corell Contractor, Inc. (Grant S. Corell, President), \$2,999,857.11.

(Council Communication No. 21-084)

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

56. 2021 City-Wide Mid-Block Crossing: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as Iowa Signal, Inc. (Wayne Lesley, President), \$129,243.75.

(Council Communication No. 21-078)

- (A) Approving contract and bond.

**** END OF HEARING _____ P.M. ****

MOTION TO ADJOURN.

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