

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

**March 8, 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 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.*

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**I. CLOSED SESSION – 3:30 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 50:

**\*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)	CASEYS #3915	3200 SW 9TH ST	C Beer
(B)	EAST END LIQUOR	3804 HUBBELL AVE	E Liquor
(C)	GOOD NEWS DARLING	717 LOCUST ST	C Liquor

**RENEWAL APPLICATIONS**

(D)	1717 BREWING COMPANY	322 E COURT AVE	B Beer
(E)	BUZZARD BILLYS	615 3RD ST	C Liquor
(F)	CHUCKS	3608 6TH AVE	C Liquor
(G)	DLS SPORTS BAR & GRILL	2718 DOUGLAS AVE	C Liquor
(H)	DOLLAR GENERAL STORE #13292	3102 MERLE HAY RD	C Beer
(I)	DOLLAR GENERAL STORE #313	2570 HUBBELL AVE	C Beer
(J)	DOLLAR GENERAL STORE #4554	1020 E ARMY POST RDC	C Beer
(K)	DOLLAR GENERAL STORE #4991	3223 SE 14TH ST	C Beer
(L)	DOLLAR GENERAL STORE #6077	221 SW 63RD ST	C Beer
(M)	DOLLAR GENERAL STORE #6725	1428 E OVID AVE	C Beer
(N)	DOLLAR GENERAL STORE #6735	3650 INGERSOLL AVE	C Beer
(O)	EL POLLO CATRACHO	4100 SE 14TH ST	C Liquor
(P)	FRANCIES	2100 WAKONDA VIEW	C Liquor
(Q)	GOPUFF	1510 OHIO ST	C Beer
(R)	GRANDVIEW GOLF COURSE	2401 E 29TH ST	C Liquor
(S)	IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	C Liquor
(T)	MALO RESTAURANT	900 MULBERRY ST	C Liquor
(U)	MCCUENS PUB	2565 WEDGEWOOD	C Liquor
(V)	PANKA PERUVIAN RESTAURANT	2708 INGERSOLL AVE	C Liquor

- (W) TACOS LA FAMILIA 1610 6TH AVENUE C Liquor
- (X) WING STOP 3803 MERLE HAY RD C Beer/Wine

**TRANSFERS TO NEW LOCATION**

- (Y) ELWELL FAMILY FOOD CENTER 3000 E GRAND AVE C Liquor  
Temporary to the cattle barn for an event on March 15 – 21, 2021.
- (Z) ELWELL FAMILY FOOD CENTER 3000 E GRAND AVE C Liquor  
Temporary to the cattle barn for an event on March 11-14, 2021.
- ~~(AA) GARDEN NIGHTCLUB 525 E GRAND AVE C Liquor~~  
Permanent transfer from 112 SE 4<sup>th</sup> Street.

**OUTDOOR SERVICE APPLICATION**

- (BB) TRUMANS 400 SE 6TH ST C Liquor  
Temporary in conjunction with an event on March 17 – 18, 2021.

**SPECIAL EVENT APPLICATION**

- (CC) PAVILION 3000 E GRAND AVE Five (5) Day License  
Class B Beer License for the Horse Fair on March 24 – 28, 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](#) HMA Residential Paving Program Contract 1: Receiving bids (3-23-21), and Setting date of hearing, (4-19-21). Engineer’s estimate, \$900,000.  
  
([Council Communication No. 21-110](#))
  - (B) [2021](#) City-Wide PCC Pavement Restoration Program: Receiving of bids, (3-23-21) and Setting date of hearing, (4-19-21). Engineer’s estimate, \$610,700.  
  
([Council Communication No. 21-101](#))
  - (C) [2021](#) Sidewalk Replacement Program: Receiving of bids, (3-23-21) and Setting date of hearing, (4-19-21). Engineer’s estimate, \$280,000.  
  
([Council Communication No. 21-107](#))

- (D) [Meredith](#) Trail Bank Repair near S.W. 7<sup>th</sup> Street: Receiving of bids, (3-23-21) and Setting date of hearing, (4-19-21). Engineer's estimate, \$923,000.

[\(Council Communication No. 21-114\)](#)

- (E) [MacRae](#) Park Improvements Phase 3: Receiving of bids, (4-6-21) and Setting date of hearing, (4-19-21). Engineer's estimate, \$2,700,000.

[\(Council Communication No. 21-112\)](#)

8. [Approving](#) exception to Request for Proposal process for good cause and approving Professional Services Agreement with Olsson, Inc. for traffic engineering services for the Traffic Signal Timing Updates Phase 3, not to exceed \$266,408.03.

[\(Council Communication No. 21-106\)](#)

9. [Approving](#) Supplemental Agreement No. 4 to the Professional Services Agreement (PSA) with Veenstra & Kimm, Inc. for additional design and construction phase services for the River Bend and King Irving Sewer Separation Project, \$232,256.

[\(Council Communication No. 21-109\)](#)

10. [Approving](#) exception to request for proposal process for good cause and approving professional services agreement with Civil Design Advantage, LLC for Gray's Lake Parkway Extension, \$100,000.

[\(Council Communication No. 21-111\)](#)

11. [Approving](#) Change Order No. 4 with Koester Construction Company, Inc. for additional work on Municipal Service Center – Phase 2, \$77,699.

[\(Council Communication No. 21-113\)](#)

12. Items regarding the Carlisle Connection Multi-Use Recreational Trail project:

- (A) [Approval](#) of Chapter 28E Agreement with Warren County and Warren County Conservation Board for voluntary property acquisition, construction, ownership and maintenance of the Carlisle Connection Multi-Use Recreational Trail within Warren County.

[\(Council Communication No. 21-118\)](#)

- (B) [Approval](#) of Chapter 28E Agreement with the City of Carlisle for voluntary property acquisition, construction, ownership and maintenance of the Carlisle Connection Multi-Use Recreational Trail within the City of Carlisle.

[\(Council Communication No. 21-117\)](#)

- (C) [Approving](#) Professional Services Agreement with Snyder & Associates, Inc. for design services for the Carlisle Connection Multi-Use Recreational Trail project, not to exceed \$164,742.

[\(Council Communication No. 21-116\)](#)

13. Approving completion and acceptance of private construction contracts for the following:

- (A) [S.W. McKinley](#) Avenue and S.W. 63<sup>rd</sup> Street, Corell Contractors, Inc. and Bell Avenue Properties.
- (B) [S.W. McKinley](#) Avenue and S.W. 63<sup>rd</sup> Street, Concrete Technologies, Inc. and Bell Avenue Properties.

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) [Public](#) Works Salt Shed Expansion, A & B Construction, Ltd.
- (B) [2020](#) Traffic Signal Replacement Contract 2, Van Maanen Electric, Inc.
- (C) [Bell](#) Avenue Reconstruction from South Union Street to SW 9<sup>th</sup> Street, OMG Midwest, Inc. dba Des Moines Asphalt & Paving.

## **SPECIAL ASSESSMENTS**

16. [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. 2021-03).

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

17. [Recommendation](#) from Council Member Westergaard to appoint Joseph Cephas Z. K. Davis to the Greater Des Moines Sister Cities Commission, Seat 11, for a five-year term commencing April 28, 2016 to April 28, 2021, and an additional five-year term (April 28, 2021 to April 28, 2026).
18. [Recommendation](#) from Council Member Westergaard to appoint Brandi Miller to the Greater Des Moines Sister Cities Commission, Seat 10, for a five-year term commencing April 28, 2016 to April 28, 2021, and an additional five-year term (April 28, 2021 to April 28, 2026).
19. [Recommendation](#) from Council Member Gray to appoint Wendall Eck to the Housing Appeals Board, Seat 4 for a three-year term commencing on March 16, 2021 to March 16, 2024.

## **SETTING DATE OF HEARINGS**

20. [On](#) request from Woodsonia Acquisitions, LLC, to rezone property located at 2510 Ingersoll Avenue from MX2 Mixed Use District to MX3 Mixed Use District to allow use as a restaurant with a drive through as an accessory use, (3-22-21).
21. [On](#) request from Meier Family, LLC (Charles Meier, Officer) to rezone property at 1324 and 1328 East Euclid Avenue from MX3 Mixed Use District to RX2 Mixed Use District to allow the property to be redeveloped with ground floor Multiple Household Living use, (3-22-21).
22. [On](#) request from Hilltop Housing, LLC (Owner) to amend PlanDSM Future Land Use Designation and approve 1<sup>st</sup> Amendment to the “Hilltop Apartments” Legacy PUD Conceptual Plan for property located at 3722 and 3726 Hubbell Avenue and 3680 and 3688 Kennedy Drive, (3-22-21).

23. [On](#) request from Calvin Park Mixed-Use Condominiums for approval of 1<sup>st</sup> Amendment to the “Calvin Community” Legacy PUD Conceptual Plan for property located at 4326 Hickman Road, (3-22-21).
24. [On](#) conveyance of excess City-owned property located at 620 Douglas Avenue and 994 25<sup>th</sup> Street to Invest DSM, Inc. for \$33,500, (3-22-21).
  
25. [On](#) vacation of portions of East 35<sup>th</sup> Street, East 39<sup>th</sup> Street, East 40<sup>th</sup> Street, East 41<sup>st</sup> Street and East Sheridan Avenue and Osceola Avenue right-of-way located in the Fourmile Creek Floodplain and conveyance to Polk County Conservation Board for the Lower Fourmile Creek Greenway Project, (3-22-21).
  
26. [On](#) proposed short-term lease with Westbrooke Apartments, LLC for the rental of apartments at 4001 EP True Parkway for temporary housing for Americorps Volunteers serving the Parks Department, (3-22-21).
  
27. [On](#) amendment to the 2019 Action Plan for the U.S. Department of Housing and Urban Development (HUD) 2015-2019 Consolidated Plan, (3-22-21).

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

28. [Approving](#) payment for the claim of Unite Private Networks.

#### **APPROVING**

29. [Urban](#) Renewal Development Agreement with 3523 6th Avenue, LLC (Joe Cordaro, Randy Reichardt) for the commercial renovation of the existing building at 3523 6th Avenue.

[\(Council Communication No. 21-119\)](#)

30. [Urban](#) renewal development agreement with 3524 6th Avenue, LLC (Joe Cordaro, Randy Reichardt) and conceptual development plan for the renovation of 3524 6th Avenue into a mixed-use multi-residential and commercial development.

[\(Council Communication No. 21-120\)](#)

31. [Minimum](#) Assessment Agreement with Jarcor, LLC for the Argonne Apartment Building, 1723 Grand Avenue.

32. [Chapter](#) 28E Agreement with Johnston, Polk County and Polk County Conservation Board for the construction, funding and maintenance of the bridge over Beaver Creek on the Trestle to Trestle multi-use recreational trail.

[\(Council Communication No. 21-092\)](#)

33. [Chapter](#) 28E Agreement with Des Moines Independent Community School District regarding Brody School Park.

[\(Council Communication No. 21-096\)](#)

34. [Donation](#) and naming agreement with Susan Moore and Des Moines Parks and Recreation Foundation for the Natural Playscape at MacRae Park and naming the playscape the “Larry E. Moore Natural Playscape at MacRae Park.”

[\(Council Communication No. 21-095\)](#)

35. [Second](#) Amendment to Municipal Parking Facilities Management Agreement with ABM Parking Services, Inc.

[\(Council Communication No. 21-100\)](#)

36. [Receive](#) and file communication from the Beaverdale SSMID Board regarding the levy for the Beaverdale Self-Supported Municipal Improvement District (SSMID).

37. [Receive](#) and file communication from the Highland Park SSMID Board regarding the levy for the Highland Park Self-Supported Municipal Improvement District (SSMID).

38. [Receive](#) and file communication from the Roosevelt Cultural District SSMID Board regarding the levy for the Roosevelt Cultural District Self-Supported Municipal Improvement District (SSMID).

39. [Budget](#) for the Ingersoll-Grand Self-Supported Municipal Improvement District (SSMID) for the fiscal year ending June 30, 2022.

40. [Budget](#) for the Downtown Self-Supported Municipal Improvement District (SSMID) for fiscal year ending June 30, 2022.



41. [Budget](#) for the SW 9<sup>th</sup> Corridor Self-Supported Municipal Improvement District (SSMID) for the fiscal year ending June 30, 2022.
42. [Submittal](#) of Center Street Park and Ride Facility Annual Budget to Des Moines Area Regional Transit Authority (DART) and authorization of budget expenditures.
43. [Transit](#) related grants from excess Center Street Park and Ride Facility revenues to Des Moines Area Regional Transit Authority (DART).
44. [Fund](#) Transfer Resolution of the city of Des Moines (FY 2021).  
[\(Council Communication No. 21-097\)](#)
45. [Fund](#) Transfer Resolution of the city of Des Moines (FY 2022).  
[\(Council Communication No. 21-097\)](#)
46. Purchases from the following:
  - (A) [Heartland](#) Business Systems, LLC (Peter Helander, CEO) for Cisco Network hardware to be used by the Information Technology Department per State of Iowa Contract, \$83,812.32.  
[\(Council Communication No. 21-093\)](#)
  - (B) [Minturn](#), Inc. (Gregory Menke, President) for cement repairs to the Martin Luther King Jr. Park Splash Pool as requested by the Facilities Operations Division, \$48,940. (38 potential bidders, two received)
  - (C) [Pigott, Inc.](#) (John Stenberg, President and Owner) for office furniture to support reorganization of Neighborhood Services and Development Services and associated new staff as requested by the Facilities Operations Division per State of Iowa Contract, \$162,074.83.  
[\(Council Communication No. 21-094\)](#)
  - (D) [Hallett](#) Materials (Kyle Timmer, Vice President), Schildberg Construction (Mark Schildberg, President), Lounsbury Sand & Gravel (Ben Lounsbury, President), Sarah & Andrew Trucking (Rick Clark, President), Martin Marietta Aggregates (Howard Nye, President), and InRoads Paving (Joe Manatt, President) for an annual contract with four additional one-year renewal options to furnish construction and aggregate

materials as requested by the Public Works Department, \$400,000 annual estimated cost. (Eight potential bidders, six received)

- (E) [Streicher's](#) (Jeremy Jenniges, President) for 70 sets of ballistic personal protective equipment for the Fire Department's suppression apparatus and reserve ambulances as requested by the Fire Department per NASPO ValuePoint contract, \$104,992.30.

[\(Council Communication No. 21-098\)](#)

- 47. [Purchase](#) of annual software maintenance and support for the VIPER call routing system from Qwest Corporation d/b/a/ CenturyLink (Jeffery Storey, President and Chief Executive Officer).

[\(Council Communication No. 21-099\)](#)

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

**ORDINANCES - FINAL CONSIDERATION**

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

**ORDINANCES - SECOND CONSIDERATION**

- 50. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation changes as follows:
  - (A) Code modifications related to the vacation of 25<sup>th</sup> 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.

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

## ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 21-115\)](#)

- (A) Code modification related to the Connelly Lofts public improvement project on Raccoon Street between SE 6th and SE 7th Streets.
- (B) Parking Restriction Revision—Cherry Street between 8th and 9th Streets.

52. [Amending](#) Chapter 50 of the Municipal Code relating to floodplain development.

[\(Council Communication No. 21-108\)](#)

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

53. [Amending](#) Chapter 114 of the Municipal Code relating to rates for City parking garages.

[\(Council Communication No. 21-103\)](#)

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

## COMMUNICATIONS/REPORTS

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

- (A) Adam Callanan.
- (B) Luis Gomez.
- (C) Holly Herbert.
- (D) Molly Arndt.
- (E) Vanessa Moranchel.
- (F) Chelsea Chism-Vargas.
- (G) Kaitlyn Hanson.
- (H) Denver Foote.
- (I) Matthea Little Smith
- (J) Brenda McDonald.
- (K) Veola Perry.
- (L) Holly Hallman.
- (M) Indira Sheumaker.
- (N) Jack Groepper.
- (O) Paden Sheumaker.
- (P) Justyn Lewis.
- (Q) Debra Howell.

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 55 THRU 67)**

55. To correct the vacation of a portion of Ashworth Park located north of and adjoining 514 Foster Drive.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Phillip G. Wageman, Real Estate Division Manager), requires six votes.
56. To correct the vacation of a portion of Court Avenue right-of-way located south of and adjoining 319 Court Avenue.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Phillip G. Wageman, Real Estate Division Manager), requires six votes.
57. On request from Mundo Pequenito, LLC to vacate a segment of Southwest 1<sup>st</sup> Street right-of-way between Columbus Avenue and Indianola Road and conveyance to Mundo Pequenito, LLC for \$4,320.
- (A) First consideration of ordinance above.
58. On City-initiated request for vacation of a segment of East 38<sup>th</sup> Street right-of-way between Hubbell Avenue and East Douglas Avenue and conveyance to Git-N-Go Convenience Stores, Inc for \$69,440.
- (Council Communication No. 21-102)
- (A) First consideration of ordinance above.
59. 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 37<sup>th</sup> Street. Continued from February 22<sup>nd</sup>.
60. 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.
61. 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.

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

62. [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.

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

63. [On](#) E. Douglas Avenue Reconstruction – E. 42<sup>nd</sup> Street to E. 56<sup>th</sup> Street: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids and designating lowest responsible bidder as Elder Corporation (Jared R. Elder, II, President), \$6,168,000.

[\(Council Communication No. 21-105\)](#)

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

64. [On](#) Animal Control Facility: Resolution approving plans and specifications, form of contract documents, engineer’s estimate, receive and file bids and designating lowest responsible bidder as Graphite Construction Group, Inc, (Russell Carew, President), \$5,802,282.

[\(Council Communication No. 21-104\)](#)

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

65. [On](#) consideration of the recommended Capital Improvement Program Plan (CIP) for fiscal years 2021-2022 through 2025-2026.

[\(Council Communication No. 21-097\)](#)

(A) [Declaring](#) an official intent under Treasury Regulation 1.15-2 to issue debt to reimburse the City for certain original expenditures paid in connection with specified projects.

66. [On](#) amendment to the annual budget for fiscal year ending June 30, 2021.

[\(Council Communication No. 21-097\)](#)

67. [On](#) proposed budget for the fiscal year ending June 30, 2022.

[\(Council Communication No. 21-097\)](#)

\*\*\*\* END OF HEARINGS \_\_\_\_\_ PM \*\*\*\*

MOTION TO ADJOURN.

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