

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

**April 5, 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 March 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 March 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/82012968607?pwd=emFUNWVKUVYzRzVsU0tRMVR6TkVPQT09>

Passcode: 853086

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Webinar ID: 820 1296 8607

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 26:

***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)	CHAMLING FOOD & LIQUOR STORE	200 ARMY POST RD	E Liquor
(B)	CHAMLING FOOD & LIQUOR STORE	200 ARMY POST RD	C Beer
(C)	EXPRESS GROCERY STORE	3428 M L KING JR PKWY	C Beer
(D)	MINI SUPER LA VICTORIA	1638 E UNIVERSITY AVE	C Beer
(E)	ROYAL FOOD & LIQUOR	1443 2ND AVE	E Liquor
(F)	SMOKERS GENIE 2	3408 MERLE HAY RD	E Liquor
(G)	SOUTHSIDE DES MOINES VENUE	900 E ARMY POST RD	C Liquor
(H)	USULUTECO RESTAURANTE	1511 S UNION ST	B Beer
(I)	ZORA BAR ROOFTOP	2120 INGERSOLL AVE	C Liquor

RENEWAL APPLICATIONS

(J)	ALPINE TAP ROOM	2720 INGERSOLL AVE	C Liquor
(K)	BLISS NAILS & BAR	208 4TH ST	C Liquor
(L)	DOLLAR GENERAL STORE #21816	604 LOCUST ST	C Beer
(M)	ESCAPE CHAMBERS	338 SW 6TH ST	C Liquor
(N)	HELLO MARJORIE	717 LOCUST ST	C Liquor
(O)	JETHROS	3100 FOREST AVE	C Liquor
(P)	JOHNNYS ITALIAN STEAKHOUSE	6800 FLEUR DR	B Liquor
(Q)	MANNINGS	2102 INDIANOLA AVE	C Liquor
(R)	SEAFOOD TRAP	1552 E GRAND AVE	B Beer
(S)	VICTORY LANE	3801 EASTON BLVD	C Liquor

OUTDOOR SERVICE APPLICATIONS

(T)	ARCHER LOUNGE AND GRILL	1930 SE 6TH ST	C Liquor
	Permanent.		
(U)	PEGGY'S TAVERN	3020 FOREST AVE	C Liquor
	Temporary in conjunction with Drake Relays on April 18-25, 2021.		

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

PUBLIC IMPROVEMENTS

6. Number Not Used.
7. [Acceptance](#) of proposal with MidAmerican Energy Company to install new LED Streetlights for the Hubbell Avenue Reconstruction from E. Euclid Avenue to east of E. 38th Street, \$177,956.30.

[\(Council Communication No. 21-159\)](#)

8. [Communication](#) from contractors requesting permission to sublet certain items on public improvement project.
9. Accepting completed construction and approving final payment for the following:
 - (A) [Skywalk](#) HVAC Replacement Phase 3, Air-Con Mechanical Corporation.
 - (B) [E. Grand](#) Avenue Curb Bump-outs from Robert D. Ray Drive to Pennsylvania Avenue, Hawkeye Paving Corporation.
 - (C) [Market](#) District Sanitary Pump Station, Minturn, Inc.
 - (D) [Leetown](#) Creekway Box Culvert from Dean Avenue to U.P.R.R., S.M. Hentges & Sons Inc.
 - (E) [2020](#) Parking Garage Repair Program, Merit Construction Services, Inc.
 - (F) [2019](#) Roadway Reconstruction Program, Jasper Construction Services, Inc.

SPECIAL ASSESSMENTS

10. [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. 2021-04).
11. [Levying](#) assessments for costs of Nuisance Abatement-NAC-Emergency Assessment (Community Development), Schedule No. 2021-03.
12. [Levying](#) assessments for costs of Public Works Sewer Repair at 1235 11th Street, (Schedule No. 2021-02).

LAND/PROPERTY TRANSACTIONS

13. [Authorization](#) to proceed with voluntary property acquisition and relocation assistance for the 2021 State Revolving Fund Water Resources Restoration sponsored project for implementation of the Lower Fourmile Creek Greenway Master Plan.

[\(Council Communication No. 21-163\)](#)

14. [Authorization](#) to proceed with acquisition of the necessary property interests for the Keosauqua Way Rehabilitation –9th Street to 19th Street Project.

[\(Council Communication No. 21-162\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 14I. [Recommendation](#) by Council Member Gray to appoint Shelia R. Knoploh-Odole to the Food Security Task Force effective immediately to fill vacancy.

SETTING DATE OF HEARINGS

15. [On](#) request from Callison Oil Company (Owner) to amend PlanDSM: Creating our Tomorrow future land designation and rezone property located at 1501 East Euclid from I1 Industrial District to MX3 Mixed Use District to allow reuse of the existing vacant building for a “Restaurant” use, (4-19-21).
16. [On](#) request from Visiting Nurses of Iowa d/b/a Everystep (Owner) to amend Plan DSM: Creating our Tomorrow future land designation and rezone the property located at 900 56th Street from P2 Public, Civic and Institutional District to RX2 Mixed Use District to allow expansion of the existing hospice use, (4-19-21).
17. [On](#) request from Hernandez Holdings, LLC (Owner) to amend the PlanDSM: Creating our Tomorrow future land designation and to rezone property located at 1440 & 1444 Capitol Avenue from NX3 Neighborhood Mix District to Limited RX1 Mixed Used District to allow existing off-site parking to be used in conjunction with a Business or Professional Office use at 1451 E. Grand Avenue, (4-19-21).
18. [On](#) request from 7600 SW 22nd Street, LLC (Owner) for review and approval of PUD Final Development Plan for “Airports Crossroads Condos” for property located at 7600 Southwest 22nd Street, (4-19-21).

APPROVING

19. [Urban](#) Renewal Development Agreement with McKinley Manor, LLC for the renovation of the 18,904 sq. ft. vacant building located at 1801 McKinley Avenue to utilize the building for 20 new senior housing apartment units for a project to be known as Percy’s Landing.

[\(Council Communication No. 21-167\)](#)

20. [Urban](#) Renewal Development Agreement with Stapek Partners, LLC (Tim Rypma) for the historic renovation of existing commercial building located at 112 SE 4th Street.

[\(Council Communication No. 21-155\)](#)

21. [Preliminary](#) terms of an Urban Renewal Development Agreement with ILEX Group, Inc. (Ben Schultes) for the construction of warehouse buildings located in the vicinity of 4600 NE 14th Street.

[\(Council Communication No. 21-166\)](#)

22. [Collateral](#) Assignment of Development Agreement with 3801 Grand Associates, L.P. and Newbury Management Company to Bankers Trust Company as security for project financing.

- 22I. [Facility](#) Use Agreement with World Triathlon Corporation for use of Gray's Lake and Meredith, Kruidenier and Southwest Connector Trails and Former Railway right-of-way to the south of the Southwest Connector Trail for the Ironman Triathlon.

[\(Council Communication No. 21-157\)](#)

23. Abatement of public nuisances at the following:

- (A) [1935](#) 23rd Street.
- (B) [1438](#) Dean Avenue.
- ~~(C) [526](#) Arthur Avenue.~~ WITHDRAWN - COMPLETED
- (D) [1813](#) 7th Street.
- (E) [3700](#) Martin Luther King Jr Parkway.

24. [Communication](#) of fire escrow at 3512 Easton Boulevard.

25. Purchases from the following:

- (A) [Housby](#) Mack, Inc. (Kelly Housby, CEO), Mid-Iowa Solid Waste (Jeffrey Firestone, President) and Henderson Products Inc. (John Sievert, President) for two replacement truck chassis and specialized equipment bodies per Sourcewell Purchasing Contracts to be used by the Public Works Department, \$315,051.05.

[\(Council Communication No. 21-150\)](#)

- (B) [Housby](#) Heavy Equipment, Inc. (Kelly Housby, CEO), for one replacement large sized wheel loader to be used by the Public Works Department per Sourcewell Purchasing Contract, \$257,695.

[\(Council Communication No. 21-149\)](#)

- (C) [Henderson](#) Products, Inc. (John Sievert, President) for two replacement asphalt patching equipment bodies to be used by the Public Works Department, \$220,502.

[\(Council Communication No. 21-151\)](#)

(D) [Bituminous](#) Materials & Supply (Dan Quigley, Plant Manager) for an annual agreement with two additional one-year renewal options to furnish emulsified asphalt materials to be used by the Public Works Department, annual estimate, \$250,000. (Three potential bidders, two received).

(E) [Insight](#) Public Sector (Ken Lamneck, President and CEO) for Microsoft Enterprise Agreement for additional spending to cover the addition of email accounts for all City employees to better communicate with staff throughout the pandemic as requested by the Information Technology Department, \$47,383.23.

[\(Council Communication No. 21-152\)](#)

(F) [Keltex Inc.](#) (Kelly Milligan, President) for the purchase and installation of standard emergency response equipment including top of the vehicle light bars, sirens, prisoner barrier, prisoner seats, aluminum push bumpers and gunracks to outfit 14 new Police Interceptor vehicles as requested by the Police Department per State of Iowa Contract, \$227,852.64.

[\(Council Communication No. 21-156\)](#)

(G) [Daikin](#) Applied Service Group (Jeffrey Gravitt, District Manager) for the purchase and installation of three rooftop HVAC units for Pioneer Columbus Community Recreation Center as requested by the Facilities Division per OMNIA Partners Contract, \$128,560.

[\(Council Communication No. 21-168\)](#)

(H) [InRoads](#), LLC (Joe Manatt, President), Des Moines Asphalt and Paving Co. (Jim Gauger, President) and Grimes Asphalt and Paving Corporation (Ray Svoboda, General Manager) for an annual contract with four (4) additional twelve (12) month renewal options to furnish hot mix and warm mix asphalt materials as requested by the Public Works Department, annual estimated cost \$950,000. (Three potential bidders, three bids received).

26. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 5 and 12, 2021; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 5 and 12, 2021; to draw checks for biweekly payroll due April 9, 2021.

ORDINANCES - SECOND CONSIDERATION

26I. [Amending](#) the Municipal Code by adding Division 3, Sections 2-105, 2-106, 2-107, 2-108, 2-109, 2-110, 2-111, 2-112 relating to City Council Ethics Code.

* * * END CONSENT AGENDA * * * * *

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 21-165\)](#)

- (A) Code Modification to restrict parking on both sides of 12th Street from Walnut Street to Grand Avenue from 6 pm to 6 am on Fridays, Saturdays and Sundays.
- (B) [Final](#) consideration of ordinance above (waiver requested by City Manager Scott Sanders), requires six votes.

APPROVING

28. [Review](#) of Zoning Board of Adjustment decision granting a variance from separation requirements to allow Animal Service use with an outdoor exercise run at 601 Army Post Road. **(Choose one alternative A, B or C)**

[\(Council Communication No. 21-153\)](#)

- (A) City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board’s decision will be deferred to 30 days from the date of the remand.
- (B) The City Council takes no action to review the Decision and Order. The decision of the Board will become final on April 29,2021.
- (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.

COMMUNICATIONS/REPORTS

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

- (A) Dan Kauble
- (B) James Grimm
- (C) Truley Wingert
- (D) Z-Shan Bhaidani

(E) Adam Callanan
(F) John Noble
(G) Jaylen Cavil
(H) Jacqueline Thompson
(I) Denver Foote
(J) Lenin Cardwell
(K) Lily Nellans
(L) Frederick Gaddy
(M) Kaitlyn Hanson
(N) Brenda McDonald
(O) Shirley Evans
(P) Matè Muhammad
(Q) Lilly Zesch
(R) Brad Titus
(S) Jacob Grobe
(T) Amy Bettle
(U) Ginny Antrim
(V) Peter Clay
(W) Jane Alderman
(X) Janet Thurtell
(Y) Janice Hawkins
(Z) Alec Johnson
(AA) KT Menke
(BB) Molly Arndt
(CC) Shari Hawk
(DD) Vanessa Moranchel
(EE) Paden Sheumaker
(FF) Debra Howell
(GG) Rev. Emily E. Ewing
(HH) Emily Anderson
(II) Paula Mahone
(JJ) Casey Erixon
(KK) Alejandro Murguia-Ortiz
(LL) Leah Plath
(MM) Indira Sheumaker
(NN) Luke Bascom
(OO) Iris Olivares
(PP) Giovanni Bahena
(QQ) Luis Gomez
(RR) Laural Clinton
(SS) Brad Wiesenmayer

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 30 THRU 37)

30. On the proposed First Amendment to the Urban Renewal Plan for the Oak Park-Highland Park Urban Renewal Area.

[\(Council Communication No. 21-146\)](#)

- (A) First consideration of ordinance “Oakland Park-Highland Park TIF District No. 1”.
(B) First consideration of ordinance “Oakland Park-Highland Park TIF District No. 2”.
(C) First consideration of ordinance “Oakland Park-Highland Park TIF District No. 3”.

31. On the proposed Second Amendment to the Urban Renewal Plan for the 38th and Grand Urban Renewal Area.

[\(Council Communication No. 21-147\)](#)

- (A) First consideration of ordinance “38th and Grand TIF District No. 2”.

32. On the proposed Eighth Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area.

[\(Council Communication No. 21-148\)](#)

33. On vacation of a portion of 6th Avenue right-of-way adjoining 1230 6th Avenue and conveyance of a Permanent Easement for Air Space above City-owned property and a Permanent Easement for Subsurface Building encroachment to allow for construction of structural footings, roof overhang and architectural elements as part of its 5-story, Storefront Type “6th Avenue Flats” building project to Anawim a/k/a Anawim Housing, Inc. for \$575.

- (A) First consideration of ordinance above.
(B) Final consideration of ordinance above (waiver requested by Russ Frazier, President), requires six votes.

34. On the intent to commence a public improvement project to construct the Indianola Avenue Reconstruction – E Army Post Road to Highway 69 Project and authorize acquisition of the necessary property interests.

[\(Council Communication No. 21-161\)](#)

35. [On](#) conveyance of vacated east/west alley right-of-way adjoining 200, 210 and 216 East Court Avenue to 217 E. Second, LC for \$38,665.
36. [On](#) 2021 Riverwalk Improvements – Balustrade Replacement: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids and designating the lowest responsible bidder as TNT Tuckpointing and Building Restoration, LLC (Joshua L. Smyser, Member), \$156,455.

[\(Council Communication No. 21-158\)](#)

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

37. [On](#) Western Ingersoll Run Sewer Separation Phase 1: Resolution approving plans, specification, form of contract documents, engineer’s estimate, receiving bids and designating lowest responsible bidder as MPS Engineers, PC dba Kingston Services, PC (Umesh G. Shetye, President), \$9,341,501.10.

[\(Council Communication No. 21-160\)](#)

- (A) [Approving](#) contract and bond and permission to sublet.
- (B) [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement (PSA) with Foth Infrastructure and Environment, LLC for construction phase services for the Western Ingersoll Run Sewer Separation Phase 1 Project, \$661,000.

[\(Council Communication No. 21-164\)](#)

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

MOTION TO ADJOURN.

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