

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

**4/19/2021**  
**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 April 2, 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 Six of the Governor's April 2, 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/84245433579?pwd=ckszUEhlalMwYUZ5b2xWdS81NExuZz09>

Passcode: 998683

Or join by phone:

Dial:

US: +1 312 626 6799 or 877 853 5257

**I. CLOSED SESSION – 3:45 PM**

- (1) Roll Call.
- (2) 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.
- (3) Closed Session.
- (4) Terminate closed session and reconvene in open session.
- (5) Motion to adjourn.

\* \* \* \* \*

**PROCLAMATIONS**

**El día de los niños/El día de los libros - Children’s Day/Book Day**

**Arbor Day**

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA \* – items 3 through 32:

**\*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**

<del>(A)</del>	<del>SMOKERS GENIE 2</del>	<del>3408 MERLE HAY RD</del>	<del>E Liquor</del>
(B)	STEER N STEIN	3000 E GRAND AVE	B Beer
(C)	THAI FLAVOR	2301 INGERSOLL AVE	C Liquor
<del>(D)</del>	<del>USULUTECO RESTAURANTE</del>	<del>1511 S UNION ST</del>	<del>B Beer</del>

**RENEWAL APPLICATIONS**

(E)	14TH STREET TAVERN	3418 E 14TH ST	C Liquor
(F)	BARATTAS RESTAURANT	2320 S UNION ST	C Liquor
(G)	BEST FOOD MART	4028 E 14TH ST	E Liquor
(H)	CAPITAL CITY MOOSE LODGE	2515 WEDGEWOOD RD	A Liquor
(I)	CRAZY HORSE BEER & BURGERS	2331 UNIVERSITY AVE	C Liquor
(J)	GERRIS	232 E 30TH ST	C Liquor
(K)	GIT N GO STORE #5	2700 INDIANOLA AVE	C Beer
(L)	GREENWOOD LOUNGE	3707 INGERSOLL AVE	C Liquor
(M)	H & A MINI MART	5901 FLEUR DR	C Beer
(N)	JOHNNYS HALL OF FAME	302 COURT AVE	C Liquor
(O)	KUM & GO #194	4001 SW 9TH ST	C Beer
(P)	MARIAS MEXICAN RESTAURANT	5405 DOUGLAS AVE	B Beer
(Q)	RITUAL CAFE	1301 LOCUST ST	C Beer/Wine
(R)	SCORNOVACCAS RISTORANTE	1930 SE 14TH ST	C Liquor

- (S) WICKED RABBIT 1101 ARMY POST RD C Liquor

**SPECIAL EVENT APPLICATION**

- (T) TANGERINE FOOD CO 2201 GEORGE FLAGG PKWY Five (5) Day License Class C Liquor License for Ballet Des Moines event at Water Works Park on April 30, 2021. Pending approval of the Zoning Department.

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

**PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:

- (A) [2021](#) HMA Residential Paving Program Contract 2: Receiving of bids (5-11-21), and Setting date of hearing, (6-14-21), Engineer's estimate, \$800,000.

[\(Council Communication No. 21-179\)](#)

- (B) [Western](#) Ingersoll Run Sewer Separation Phase 2: Receiving of bids (5-11-21), and Setting date of hearing, (6-14-21), Engineer's estimate, \$6,750,000.

[\(Council Communication No. 21-183\)](#)

- (C) [Pappajohn](#) Sculpture Park Lighting Improvements: Receiving of bids (5-11-21), and Setting date of hearing, (6-14-21), Engineer's estimate, \$300,000.

[\(Council Communication No. 21-178\)](#)

- (D) [Skywalk](#) Bridge 7C-7D Removal: Receiving of bids (5-11-21), and Setting date of hearing, (6-14-21), Engineer's estimate, \$335,000.

[\(Council Communication No. 21-184\)](#)

7. [Approving](#) Change Order No. 7 with Insituform Technologies USA, LLC for additional work on 2019 Sewer Lining Program, \$270,705.50.

[\(Council Communication No. 21-175\)](#)

8. [Approving](#) Private Construction Contract between Alliance Construction Group, LLC and QSL Development, LLC for paving improvements in Woodbury Plat 1.

9. [Communication](#) from contractors requesting permission to sublet certain items on public improvement project.

10. [Accepting](#) completed construction and approving final payment for Riverview Park Canopy and Truss, Henkel Construction Company.

## **SPECIAL ASSESSMENTS**

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC-Emergency Orders (Community Development), Schedule No. 2021-04.

## **LAND/PROPERTY TRANSACTIONS**

12. [Accepting](#) PUD Restoration Bond from Jerry's Homes, Inc for grading and ground surface restoration at Pearl Lake PUD, Phase 1 located in the vicinity of 3100 Block of E Payton Avenue.

[\(Council Communication No. 21-171\)](#)

13. Approving tax abatement applications for the additional value added by improvements completed during 2020 as follows:

[\(Council Communication No. 21-188\)](#)

- (A) [631](#) 40<sup>th</sup> Street, 913 SE 9<sup>th</sup> Street and 1430 Idaho Street.
- (B) [2650](#) E Payton Avenue and 4881 SW 63<sup>rd</sup> Street.
- (C) [2678](#) Hart Avenue.

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

14. [Approving](#) appointment of Mayor T.M. Franklin Cownie, Council Member Josh Mandelbaum and Council Member Carl Voss to the Homeless Coordinating Council.

## **SETTING DATE OF HEARINGS**

15. [On](#) request from AHEPA Management Company (Purchaser) to rezone property at 1111 E. Army Post Road from CX Mixed Use District to Limited RX2 Mixed Use District to allow construction of multi-household building intended for senior (age 55+) Household Living use and allowing residential units on all floors, including ground floor level, (5-10-21).
16. [On](#) request from Fareway Stores, Inc. for property at 2723 41<sup>st</sup> Place to amend PlanDSM: Creating Our Tomorrow future land use classification from Low Density Residential within a Neighborhood Node to Community Mixed-Use within a Neighborhood Node and to rezone from N4 Neighborhood District to Limited MX3 Mixed-Use District, to allow off-site parking and access to be developed in conjunction with a Limited Retail Sales use redevelopment of property at 2716 Beaver Avenue, (5-10-21).

17. [On](#) request from Oscar and Enrique Zenteno to amend the PlanDSM: Creating our Tomorrow future land use classification for 2354 E Grand Avenue from Neighborhood Mixed Use to Community Mixed Use District and to rezone from MX1 Mixed Use District to MX3 Mixed Use District to allow ongoing operation of a Minor Vehicle/Maintenance Repair use on the property, (5-10-21).
18. On request from River Point West LLC (owner), for the following items related to development of a 132-unit independent living senior Household Living dwelling project proposed for 400 SW 11<sup>th</sup> Street:
  - (A) [Receive](#) and file communication from P&Z regarding approval of Preliminary Plat “Gray’s Landing Plat 1” for subdivision of a 4.10-acre lot for the independent living senior Housing Living dwelling project.
  - (B) [Setting](#) date of hearing regarding a PUD Final Development Plan “Slate at Gray’s Landing” for development of the independent living senior Household Living dwelling project, (5-10-21).

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

19. [Approving](#) payment for the sewer claim of Megan Lyman.
20. [Approving](#) payment for the property damage claim of Optum Subrogation and Casualty on behalf of insureds Colton Smith and Megan Helgeson.
21. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.

#### **APPROVING**

22. [Supplemental](#) Community Development Block Grant (CDBG-CV), third round, funding agreement with the U.S. Department of Housing and Urban Development (HUD) to prepare for, prevent, and respond to coronavirus.

[\(Council Communication No. 21-173\)](#)

23. [2020](#) Certified Local Government (CLG) Annual Report and authorization for the Mayor’s signature for submittal to the Iowa Department of Cultural Affairs.
24. [Amendment](#) of Blighted Property Rehabilitation (BPR) Program Agreement with Rally Cap Properties, LLC for rehabilitation of property located at 693 19<sup>th</sup> Street to allow extension of the agreement to October 31, 2021.

[\(Council Communication No. 21-174\)](#)

25. Urban Renewal Development Agreements with Hilltop Housing LLC (J.B. Conlin, Officer) as follows:

[\(Council Communication No. 21-189\)](#)

- (A) [Hilltop III Apartments](#) – new construction of 42-unit family apartment building located in the vicinity of 3600 Hubbell Avenue.
- (B) [Hilltop IV Senior Housing](#) – new construction of a 42-unit senior apartment building located in the vicinity of 3600 Hubbell Avenue.

26. [Endorsement](#) of Broadway Avenue – 2<sup>nd</sup> Avenue to Hubbell Avenue Project as part of the Revitalize Iowa’s Sound Economy (RISE) Grant Application with Polk County.

[\(Council Communication No. 21-170\)](#)

27. [Releasing](#) covenants on provision of services and use to the City, associated default payment and reversion rights and other covenants for the South Suburban YMCA property.

28. [Receive](#) and file Quarterly Treasurer’s Report as of March 31, 2021.

29. Abatement of public nuisances at the following:

- (A) [2430](#) South Union Street.
- (B) [2801](#) Maple Street.

30. Purchases from the following:

- (A) [Heartland](#) Business Systems, LLC (Peter Helander, CEO) for Cisco IE 4000 network hardware per State of Iowa Contract as requested by the Information Technology Department, \$200,713.20.

[\(Council Communication No. 21-169\)](#)

- (B) [Waste](#) Solutions of Iowa (Becky Peltzer, Owner) for an annual contract with four additional one-year renewal options to furnish portable toilet rental services at various City-wide locations as requested by the Parks and Recreation Department, \$75,000 annual estimate. (Five potential bidders, one received).

[\(Council Communication No. 21-172\)](#)

(C) [DeVries](#) Outdoors (Charles DeVries, Owner) for furnishing and installing landscape plants for Fleur Drive Medians M1, M2, and M3 as requested by the Parks and Recreation Department, \$67,997.94. (55 potential bidders, three received)

31. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 19, 26 and May 3, 2021; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 19, 26 and May 3, 2021; to draw checks for biweekly payroll due April 23 and May 7, 2021.

## ORDINANCES - FINAL CONSIDERATION

32. [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

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

(A) Code Modifications to remove peak hour parking restrictions on the south side of University Avenue from 25<sup>th</sup> Street to 31<sup>st</sup> Street.

[\(Council Communication No. 21-187\)](#)

34. [Amending](#) the Municipal Code of the City of Des Moines by repealing Chapter 102, Article VI, relating to benches.

[\(Council Communication No. 21-186\)](#)

(A) [Final](#) consideration of ordinance above (waiver requested by Engineering Department), requires six votes.

## COMMUNICATIONS/REPORTS

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

- (A) Jenna Dille.
- (B) Scott Thompson.
- (C) Jaylen Cavil.

- (D) Molly Arndt.
- (E) KT Menke.
- (F) Abby Bankes.
- (G) Emmanuel Smith.
- (H) Eva Lewin.
- (I) Keenan Crow.
- (J) Denver Foote
- (K) Arthur McCarthy.
- (L) Adam Callanan.
- (M) Truley Wingert.
- (N) James T. Grimm.
- (O) Paden Sheumaker.
- (P) Carrie Gosnell.
- (Q) Amy Luebbert.
- (R) Therese Herold.
- (S) Lily Nellans.
- (T) Vanessa Moranchel.
- (U) Brad Wiesenmayer.
- (V) Jacob Grobe.
- (W) Frieda Bequeaith.
- (X) Brindusa Velica.
- (Y) Matthea Little Smith.
- (Z) Peter Clay.
- (AA) Lora Fraracci.
- (BB) Reverend Katie Dawson.
- (CC) David DeBord.
- (DD) Indira Sheumaker.
- (EE) Veola Perry.
- (FF) Z-Shan Bhaidani.
- (GG) Mariella Theuma.
- (HH) Yena Balekyani.
- (II) Alicia Chilton.
- (JJ) Kaitlyn Hanson.
- (KK) Amy Bettle.
- (LL) John Noble.
- (MM) Dani Ausen.
- (NN) Cora Eggherman.
- (OO) Emma Colman.
- (PP) Jeremiah Patton.
- (QQ) Emily Gibson.
- (RR) Martha McCormick.
- (SS) Holly Hallman.
- (TT) Randy Sheumaker.
- (UU) Tom Rendon.
- (VV) Elizabeth Folkers.
- (WW) Giovanni Bahena.



- (XX) Rachel Vipond.
- (YY) Chelsea Chism-Vargas.
- (ZZ) Brittany Cooley.
- (AAA) John Hardy.
- (BBB) Justyn Lewis.
- (CCC) Olivia Samples.
- (DDD) Ramona Bates.
- (EEE) Leah Plath
- (FFF) Mark Bequeaith.
- (GGG) Jaime Izaguirre.
- (HHH) Devon Severson.
- (III) Suzanne Stewart.
- (JJJ) Debra Howell.
- (KKK) Josh Cook.
- (LLL) Jacqueline Thompson.
- (MMM) Reverend Lee Schott.
- (NNN) Janice Hawkins.
- (OOO) Caitlin Golle.
- (PPP) Brianna Moss.
- (QQQ) Carter White.
- (RRR) Dani Cronek.
- (SSS) Brenda McDonald.

**HEARINGS (OPEN AT 5:00 P.M.) (ITEM 36 THRU 44)**

36. 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.

(A) First consideration of ordinance above.

37. 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 56<sup>th</sup> Street from P2 Public, Civic and Institutional District to RX2 Mixed Use District to allow expansion of the existing hospice use.

(A) First consideration of ordinance above.

38. [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.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Dawn Hernandez, Officer), requires six votes.
39. [On](#) request from 7600 SW 22<sup>nd</sup> Street, LLC (Owner) for review and approval of PUD Final Development Plan for “Airports Crossroads Condos” for property located at 7600 Southwest 22<sup>nd</sup> Street.
40. [2021](#) City-Wide PCC Pavement Restoration 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. Ver Meer, President), \$660,775.
- [\(Council Communication No. 21-176\)](#)
- (A) [Approving](#) contract and bond and permission to sublet.
41. [2021](#) HMA Residential Paving Program Contract 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation (Timothy Mallicoat, President), \$839,628.25.
- [\(Council Communication No. 21-177\)](#)
- (A) [Approving](#) contract and bond and permission to sublet.
42. [MacRae](#) Park Improvements Phase 3: 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), \$2,932,177.50.
- [\(Council Communication No. 21-181\)](#)
- (A) [Approving](#) contract and bond and permission to sublet.

43. Meredith Trail Bank Repair near S.W. 7<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 RW Excavating Solutions, LC (Dan E. Wilson, Managing Member), \$642,744.10.

[\(Council Communication No. 21-185\)](#)

- (A) [Approving](#) contract and bond and permission to sublet.  
(B) [Approving](#) the agreement with Des Moines Wastewater Reclamation Authority (WRA) for the Meredith Trail Bank Repair near S.W. 7<sup>th</sup> Street public improvement project.

[\(Council Communication No. 21-182\)](#)

44. [2021](#) Sidewalk Replacement Program: Reject all bids and close the hearing on the plans, specifications, form of contract documents, engineer's estimate.

[\(Council Communication No. 21-180\)](#)

\*\*\*\* (END OF HEARINGS \_\_\_\_\_ P.M.) \*\*\*\*

MOTION TO ADJOURN.

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