

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

**May 10, 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 30, 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 Ninety-nine of the Governor's April 30, 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/83918787234?pwd=aU1FVHllTGVDYVpMb3piTi9UUjFpZz09>

Passcode: 014941

Or join by phone:

Dial: US: +1 312 626 6799 or 833 548 0276 (Toll Free)

Webinar ID: 839 1878 7234

PROCLAMATIONS

Asian Pacific American Heritage Month and AAPI Day Against Bullying and Hate

1. ROLL CALL:
 - I. [Amending](#) the procedural rules of the Des Moines City Council.
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 46:

***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 Application for the following:

NEW APPLICATION

- (A) SANDS VOLLEYBALL CLUB 6214 GRAND AVE C Liquor

RENEWAL APPLICATIONS

- (B) BELLHOP NEIGHBORHOOD 440 E GRAND AVE C Liquor
(C) CAFE BARATTA'S 600 E LOCUST ST C Liquor
(D) CVS PHARMACY #10329 2303 MERLE HAY RD E Liquor
(E) ELWELL FAMILY FOOD 3000 E GRAND AVE C Liquor
(F) EMBASSY SUITES HOTEL 101 E LOCUST ST B Liquor
(G) H & A MINI MART 145 UNIVERSITY E Liquor
(H) HY VEE MARKET GRILL #5 1107 E ARMY POST C Liquor
(I) KUM & GO #7701 319 7TH ST E Liquor
(J) LA TAPATIA 4 1606 6TH AVE C Beer
(K) QUIK TRIP #515 1421 INGERSOLL C Beer
(L) ROCA & SHORTYS 208 COURT AVE C Liquor

TRANSFER TO A NEW LOCATION

- (M) ELWELL FAMILY FOOD 3000 E GRAND AVE C Liquor
Temporary to the Pavilion for an event on May 12 – 16, 2021.

SPECIAL EVENT APPLICATION

- (N) SALISBURY HOUSE 4025 TONAWANDA DR Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Garden Party on May 23, 2021.
Pending approval of Electrical and Zoning Departments.

5. [City Clerk](#) to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [Downtown](#) Bumpouts and 12th Street from MLK to Grand: Receiving of bids (5-25-21), and Setting date of hearing, (6-14-21), Engineer's estimate, \$1,725,000.

[\(Council Communication No. 21-209\)](#)

- (B) [2021](#) HMA Resurfacing Program Contract 1: Receiving of bids (5-25-21), and Setting date of hearing, (6-14-21), Engineer's estimate, \$800,000.

[\(Council Communication No. 21-193\)](#)

- (C) [E. 2nd](#) Street Reconstruction from E. Court Avenue to Iowa Interstate Railroad: Receiving of bids (5-25-21), and Setting date of hearing, (6-14-21), Engineer's estimate, \$1,177,500.

[\(Council Communication No. 21-215\)](#)

- (D) [2021](#) Sidewalk Replacement Program: Receiving of bids (5-25-21), and Setting date of hearing, (6-14-21), Engineer's estimate, \$310,000.

[\(Council Communication No. 21-197\)](#)

- (E) [Witmer](#) Park Playground and Restroom Improvements: Receiving of bids (6-15-21), and Setting date of hearing, (6-28-21), Engineer's estimate \$524,000.

[\(Council Communication No. 21-206\)](#)

7. [Approving](#) and adopting the Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual, 2021 Edition, SUDAS Standard Specifications, 2021 Edition, and the City of Des Moines General Supplemental Specifications to the SUDAS Standard Specifications, 2021 Edition, as the official design standards and standard specifications and supplemental specifications.

[\(Council Communication No. 21-208\)](#)

8. [Approving](#) Professional Services Agreement with Foth Infrastructure and Environment, LLC for design services for the Fleur Drive Reconstruction, Phase 3 from Watrous Avenue to McKinley Avenue Project, not to exceed \$508,605.

[\(Council Communication No. 21-216\)](#)

9. [Approving](#) Professional Services Agreement with MA Architecture Inc. for professional services for the Greenhouse Relocation project, not to exceed \$267,200.

[\(Council Communication No. 21-213\)](#)

10. Approving exception to Request for Proposal process for good cause and approving the following Professional Services Agreements for Des Moines Levee Alterations – Phases D-H:

(Council Communication No. 21-210)

- (A) Barr Engineering Company for professional services for Des Moines Levee Alterations – Phases D & E, not to exceed \$3,285,500.
 - (B) Stantec Consulting Services, Inc. for professional services for Des Moines Levee Alterations – Phases F, G, & H, not to exceed \$3,665,100.
11. Approving Private Construction Contract between the following:
 - (A) Gator Excavating, Inc. d/b/a Absolute Infrastructure and Galway Homes, Inc. for sanitary sewer improvements to serve 335 Forest Avenue.
 - (B) Ryan Companies US, Inc. and The District Developer, LLC for paving, sanitary sewer and storm sewer improvements in SE 2nd Street between E. Vine Street and E. Elm and construction of E. Elm Street between SE 3rd Street and SE 4th Street.
 12. Communication from contractors requesting permission to sublet certain items on public improvement project.
 13. Accepting completed construction and approving final payment for 47th and Holcomb storm sewer improvements, S.M. Hentges & Sons, Inc.

SPECIAL ASSESSMENTS

14. [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. 2021-05).

LAND/PROPERTY TRANSACTIONS

15. [Reducing](#) Subdivision Improvement Bond from TK Land Development, LLC for satisfactory completion of required public sidewalk improvements in Southwoods Estates Plat 1 located at 3800 SW 56th Street.

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Communication](#) from Lynn Carlson advising of her resignation from the Zoning Board of Adjustment, Seat 5, effective June 30, 2021.
17. Recommendation by Council Member Westergaard to appoint Rhonda Cedillo to the Zoning Board of Adjustment, Seat 5, to fill vacancy and complete the term of the current appointee with her first term commencing on July 1, 2021 and ending on June 30, 2025.
18. [Recommendation](#) from Council Member Boesen to appoint Vince Ward to the Urban Design Review Board, Seat 2, to fill vacancy by the resignation of the current appointee, with the new appointee to undertake the remainder of the first term July 1, 2019 through June 30, 2022 and a full term from July 1, 2022 to June 30, 2025.
19. [Recommendation](#) from Mayor T.M. Franklin Cownie to reappoint Council Member William Gray and Erin Olson-Douglas, Development Services Director; and to appoint Malcolm Hankins, Assistant City Manager to the Neighborhood Development Corporation (NDC) Board of Directors.
20. [Communication](#) from Sondra Ashmore advising of her resignation from the Historic Preservation Commission, Seat 2, effective immediately.
21. [Approving](#) amendment to Neighborhood Recognition Policy.

[\(Council Communication No. 21-205\)](#)

COMMUNICATIONS FROM PLANNING AND ZONING

22. [Regarding](#) amendments to the Preliminary Plat “Three Lake Estates Phase II” located in the vicinity of 3100 Army Post Road.
23. [Regarding](#) request from Aust Real Estate LLC for vacation of various surface and subsurface rights adjoining 1201 Keosauqua Way.
24. [Regarding](#) request from Nickolas Van Patten for vacation of a 48.76-foot wide irregularly shaped segment of SW McKinley Avenue adjoining 6020 SW McKinley Avenue.

SETTING DATE OF HEARINGS

25. [On](#) conveyance of vacated street right-of-way located south of and adjoining 1403 Dean Avenue to Sabrina Gnuwech and Lucas Gnewuch for \$50, (5-24-21).
26. [On](#) correcting the vacation of a portion of Ashworth Park located north of and adjoining 514 Foster Drive, (5-24-21).
27. [On](#) conveyance of vacated alley right-of-way adjoining, 413 Euclid Avenue to Euclid Foresight, LLC for \$5,080, (5-24-21).
28. [On](#) the proposition to authorize an amendment to lease agreement with U.S.S. Husmann, LLC for the rental of warehouse space at 301 SE 8th Street for temporary use by the Public Works Department, (5-24-21).
29. [On](#) the proposed Twenty-Eighth Amendment to the Urban Renewal Plan for the Metro Center Urban Renewal Area, (6-14-21).

[\(Council Communication No. 21-218\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

30. [Approving](#) transfer of representation of the City on issues arising under the Clean Water Act.
31. [Approving](#) payment for the claim of All Solutions Concrete.
32. [Approving](#) payment to Karina Garcia and Progressive Insurance for an auto accident claim.
33. [Approving](#) payment for the personal injury claim of Constance Schindler.

APPROVING

34. [Application](#) to the U.S. Department of Treasury for the second round of the Emergency Rental Assistance Program (ERAP).

[\(Council Communication No. 21-202\)](#)

35. [Reallocation](#) of prior years' unspent Emergency Solutions Grant (ESG) funding under the U.S. Department of Housing and Urban Development (HUD).

[\(Council Communication No. 21-203\)](#)

36. [Preliminary](#) terms of an urban renewal development agreement with Urban Campus Apartments LLLP (Jack Hatch, Michael Kiernan) for the construction of a multi-residential housing project at 1230 6th Avenue.

[\(Council Communication No. 21-217\)](#)

37. [City-initiated](#) request to rezone property at 2012-2014 and 2016 East Ovid Avenue from P1-Public, Civic and Institutional to I1-Industrial.

[\(Council Communication No. 21-204\)](#)

38. [Iowa](#) Department of Transportation (IDOT) COVID-19 Relief Recreational Trails Funding Grant Application for Neal Smith Trail Phase II Project.

[\(Council Communication No. 21-214\)](#)

39. [Accepting](#) proposal of DLR Group, Inc. for the development of Principal Park Master Plan and approving the agreement for the same.

[\(Council Communication No. 21-201\)](#)

40. [Donation](#) and naming agreement with Thomas and Linda Koehn Foundation and Des Moines Park and Recreation Foundation for Boardwalk at MacRae Park and naming the boardwalk the "Linda and Thomas Koehn Boardwalk at MacRae Park".

[\(Council Communication No. 21-212\)](#)

41. [Acceptance](#) of 2018 Homeland Security Supplemental Grant Award on behalf of the Weapons of Mass Destruction (WMD)/SWAT Task Force and Explosive Ordnance Detection (EOD) Task Force.

[\(Council Communication No. 21-191\)](#)

42. [Request](#) from Downtown Community Alliance, on behalf of the Iowa State Fair, for approval of up to twenty-four (24) banners on twelve (12) banner poles in downtown Des Moines on Locust Street and Grand Avenue between 10th Street and 2nd Avenue beginning July 1 through August 2021.
43. Abatement of public nuisances at the following:
- (A) [1901](#) 23rd Street.
 - (B) [1600](#) Dean Avenue.
 - (C) [1548](#) 2nd Place.
 - (D) [1428](#) E. 21st Street.
 - (E) [7085](#) Bloomfield Road, Lot 225.
 - (F) [532](#) 36th Street.
 - (G) [111](#) E. Fulton Drive.
 - (H) [3201](#) 30th Street, Bldg. L.

44. Purchases from the following:

- (A) [Gartner](#) Group, Inc. (Eugene A. Hall, President) for a one-year subscription for IT Research and Advisory Services per State of Iowa Office of the Chief Information Offer Contract for use by the IT Department, \$89,092.

[\(Council Communication No. 21-199\)](#)

- (B) [Housby](#) Mack Inc. (Kelly Housby, CEO) for two (2) conventional cab heavy duty truck chassis, \$209,788 and Henderson Products Inc. (John Sievert, President) for specialized asphalt rehabilitation and emergency snow and ice control equipment and installation, \$550,552 per Sourcwell Contracts for use by the Street Maintenance Division of the Public Works Department, total amount \$760,340.

[\(Council Communication No. 21-195\)](#)

- (C) [Vermeer](#) Sales and Service Inc. (Jason Andringa, President and CEO) for one (1) replacement stump cutter per Sourcwell Contract for use by the Forestry Division of the Public Works Department, \$64,493.

[\(Council Communication No. 21-196\)](#)

- (D) [Keltek Inc.](#) (Kelly Milligan, President/CEO) for fourteen (14) Panasonic Toughbook brand ruggedized tablets for use in police vehicles per NASPO ValuePoint Contract for use by the Police Department, \$53,671.

[\(Council Communication No. 21-190\)](#)

- (E) [Hutchinson](#) Salt Co. (Larry Bingham, President) for joint purchase along with the City of West Des Moines, Polk County and 26 other public entities representing the Central Iowa Salt Group (CISG) for rock salt for delivery to the Metropolitan Salt Storage Facility and to individual CISG agencies storage facilities for the 2020-2021 snow and ice control season for use by the Street Maintenance Division of the Public Works Department, \$639,660. (Five (5) potential bidders, three (3) received).
- (F) [Curt Heisinger](#) Monument Restoration (Curt Heisinger, President) for repair of monuments from the 1800s and early 1900s at Woodland Cemetery for use by the Parks and Recreation Department, \$85,000. (Seven (7) potential bidders, one (1) received).

[\(Council Communication No. 21-200\)](#)

- 45. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 10 and 17, 2021; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 10 and 17, 2021; to draw checks for biweekly payroll due May 21, 2021.

ORDINANCES - SECOND CONSIDERATION

- 46. [Rezone](#) property located at 900 56th Street from P2 - Public, Civic, and Institutional District to RX2 – Mixed Use District Classification.
 - (A) [Final](#) consideration of ordinance above (waiver requested by Engineering Resource Group, Inc.) requires six votes.

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

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 21-211\)](#)

- (A) Loading Zone Restriction – Mulberry Street between Falcon Drive and 13th Street.
- (B) Parking Restriction – E Watrous Avenue between SE 13th Street and SE 14th Street.
- (C) Parking Restriction – Burlington Terrace between 16th Street and Chautauqua Parkway.
- (D) Parking Restriction – E Titus Avenue between SE 30th Street and SE 32nd Street, SE 30th Street between E Titus Avenue and E Spring Street.

COMMUNICATIONS/REPORTS

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

- (A) Sydney Devine.
- (B) Adam Callanan.
- (C) Jaylen Cavil.
- (D) Giada Morresi.
- (E) Truly Wingert.
- (F) John Hardy.
- (G) Bridget Pedersen.
- (H) Annie Gudenkauf.
- (I) Josh Cook.
- (J) Daina Faust.
- (K) Vanessa Moranchel.
- (L) James T. Grimm.
- (M) Lenin Cardwell.
- (N) Aidan Zingler.
- (O) Casey Erixon.
- (P) Keenan Crow.
- (Q) Reverend Emily E. Ewing.
- (R) Larry Carter Center.
- (S) Drinda Williams.
- (T) KT Menke.
- (U) Max Mowitz.
- (V) Cora Eggherman.
- (W) Dan Kauble.
- (X) Julie Schwertley.
- (Y) Brandon Reinders.
- (Z) Carrie Gosnell.
- (AA) Dani Ausen.

(BB) Pete Myers.
(CC) Lora Fraracci.
(DD) Marco Battaglia.
(EE) Jacqueline Thompson.
(FF) Dex Nash.
(GG) Jacob Grobe.
(HH) Stephanie Cardwell.
(II) Lori A. Young.
(JJ) Mariella Theuma.
(KK) Adriane Demuth.
(LL) Debra Howell.
(MM) Janice Hawkins.
(NN) Brenda McDonald.
(OO) Shirley Evans.
(PP) Connie Wright.
(QQ) Amy Luebbert.
(RR) Shari Hawk.
(SS) Jolene Prescott.
(TT) Jean O'Donnell.
(UU) Elizabeth Ferreira.
(VV) Angela Young.
(WW) Z-Shan Bhaidani.
(XX) Indira Sheumaker.
(YY) Brad Wiesenmayer.
(ZZ) John Howell.
(AAA) Marie Nalan.
(BBB) Luke Bascom.
(CCC) Chase Seibert.
(DDD) Paden Sheumaker.
(EEE) Elizabeth Folkers.
(FFF) Marcia A. Lyon.
(GGG) Kimberly M. Myles.
(HHH) Eva Lewin.
(III) Abby Bankes.
(JJJ) Matthea Little Smith.
(KKK) Loral Clinton.
(LLL) Frieda Bequeaith
(MMM) Leslie Barnhizer.
(NNN) Alyssa Huesgen.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 49 THRU 56)

49. [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. **Plan and Zoning Commission recommends denial. Choose Alternative A or B.**

50. [On](#) request from Fareway Stores, Inc. for property at 2723 41st 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. **Plan and Zoning Commission recommends denial. Choose Alternative A or B.**
51. [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.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Steve Beck, President & CEO, AHEPA Management Company), requires six votes.
52. [On](#) request from River Point West LLC (owner), for approval of PUD Final Development Plan “Slate at Gray’s Landing” located at 400 SW 11th Street for development of a 132-unit independent living senior Household Living dwelling project.
53. [2021-2022](#) HMA Pavement Scarification and Resurfacing: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receiving bids and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation (Timothy Mallicoat, President), \$188,172.40.
- [\(Council Communication No. 21-198\)](#)
- (A) [Approving](#) contract and bond and permission to sublet.
54. [2021](#) Sanitary and Storm Sewer Televising Program: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receiving bids and designating lowest responsible bidder as Equix Integrity, Inc. (Micheal Debelak, President), \$467,190.

[\(Council Communication No. 21-194\)](#)

(A) [Approving](#) contract and bond.

55. [Closes](#) Creek Storm Sewer Improvements Phase 2A and 2B: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receiving bids and designating lowest responsible bidder as RW Excavating Solutions, LC (Dan E. Wilson, Managing Member), \$5,997,160.44.

[\(Council Communication No. 21-207\)](#)

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

56. [Keosauqua](#) Way Rehabilitation – 9th Street to 19th Street: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receiving bids and designating lowest responsible bidder as InRoads, LLC (Joseph J. Manatt, Manager), \$1,059,777.70.

[\(Council Communication No. 21-192\)](#)

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

(a) **** END OF HEARINGS _____ P.M. ****

MOTION TO ADJOURN.

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