

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

**5/24/2021**  
**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/85120305288?pwd=ZDkyenYrWVB3eXplVFRpVURTV1dGdz09>

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Webinar ID: 851 2030 5288

**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.

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1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 41:

**\*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)	CHOCOLATERIE STAM	2814 INGERSOLL	B Beer
(B)	OLD WEST BARBEQUE	3000 E GRAND AVE	C Beer/Wine
(C)	SMOKERS GENIE 2	3408 MERLE HAY RD	E Liquor

#### RENEWAL APPLICATIONS

(D)	AMERICANA	1312 LOCUST ST	C Liquor
(E)	APRILS SUNRISE TAP	4155 EASTON BLVD	C Liquor
(F)	ARCHER LOUNGE AND GRILL	1930 SE 6TH ST	C Liquor
(G)	CHEESE BAR	2925 INGERSOLL	C Liquor
(H)	DEEP END BAR	830 MCKINLEY AVE	C Liquor
(I)	DES MOINES CIVIC CENTER	221 WALNUT ST	C Liquor
(J)	EASYGO	2723 GRAND AVE	E Liquor
(K)	FRANKA PIZZERIA	111 E GRAND AVE	C Liquor
(L)	GRUMPY GOAT	1303 WALNUT ST	C Liquor
(M)	HOYT SHERMAN PLACE	1501 WOODLAND	C Liquor
(N)	JETHROS BBQ SOUTHSIDE	4337 PARK AVE	C Liquor
(O)	LOUIES WINE DIVE	4040 UNIVERSITY	C Liquor
(P)	MOTLEY SCHOOL TAVERN	1903 BEAVER AVE	C Liquor
(Q)	MULLETS	1300 SE 1ST ST	C Liquor
(R)	MY BROTHERS PLACE	2400 DEAN AVE	C Liquor
(S)	OLYMPIC FLAME	514 E GRAND AVE	C Beer/Wine
(T)	PLAZA PUB	6202 DOUGLAS AVE	C Liquor
(U)	QUICK STAR	2701 INGERSOLL	C Beer
(V)	SHAGS	216 COURT AVE	C Liquor
(W)	SOUTH SIDE FOOD MART	1101 ARMY POST RD	E Liquor
(X)	SPAGHETTI WORKS	310 COURT AVE	C Liquor
(Y)	ST KILDA BAKERY AND CAFE	300 SW 5TH ST	C Liquor
(Z)	STATION ON INGERSOLL	3124 INGERSOLL	C Liquor

(AA) THIRSTY SPORTSMAN 4808 SW 9TH ST C Liquor

**TRANSFER TO NEW LOCATION**

(BB) ELWELL FAMILY FOOD 3000 E GRAND AVE C Liquor  
Temporary.

**OUTDOOR SERVICE APPLICATION**

(CC) KELLYS LITTLE NIPPER 1701 E GRAND AVE C Liquor  
Temporary for KLN Summerfest on June 5, 2021.

**SPECIAL EVENT APPLICATIONS**

(DD) DEPOT WXP 3000 E GRAND AVE Five (5) Day License  
Class B Beer License for the World Pork Expo on June 9 – 11, 2021.

(EE) PAR CATERERS 3915 FLEUR DR Five (5) Day License  
Class C Liquor License for Principal Charity Classic on June 2 – 6, 2021. Pending approval of Building and Zoning Departments.

(FF) PAVILION WXP 3000 E GRAND AVE Five (5) Day License  
Class B Beer License for the World Pork Expo on June 9 – 11, 2021.

(GG) SA PRESENTS 2201 GEORGE FLAGG Five (5) Day License  
Class C Liquor License for Jamey Johnson with Whiskey Myers concert on June 12, 2021.

(HH) TANGERINE FOOD CO 2201 GEORGE FLAGG Five (5) Day License  
Class C Liquor License for Ballet Des Moines on May 29, 2021. Pending approval of Zoning Department.

(II) WINEFEST 4025 TONAWANDA DR Five (5) Day License  
Class C Liquor License for Green State Lawn Party on June 6, 2021. Pending approval of Building and Zoning Departments.

(JJ) WINEFEST 313 WALNUT ST Five (5) Day License  
Class C Liquor License for Iowa Pork Sips and the City at Home and Community Choice Grand Tasting at Home on June 11- 12, 2021.

(KK) WINEFEST 120 E 5TH ST Five (5) Day License  
Class C Liquor License for Toasting Tuesday on June 1, 2021. Pending approval of Building, Electrical and Zoning Departments.

(LL) WINEFEST 4500 GRAND AVE Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Commerce Bank Community Tasting with Ballet Des Moines on June 8, 2021. Pending approval of Building, Electrical and Zoning Departments.

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 3 – LOSST](#): Receiving of bids (6-15-21), Setting date of hearing (7-19-21), Engineer’s estimate, \$1,293,000.  

[\(Council Communication No. 21-226\)](#)
  - (B) [City Facility FY 2021-2022 Parking Lot Improvements](#): Receiving of bids (6-15-21), Setting date of hearing (6-28-21), Engineer’s estimate, \$710,000.  

[\(Council Communication No. 21-227\)](#)
  - (C) [Grandview Golf Course Cart Path Repairs](#): Receiving of bids (6-15-21), Setting date of hearing (7-19-21), Engineer’s estimate, \$303,000.  

[\(Council Communication No. 21-229\)](#)
8. [Approving](#) exception to Request for Proposal (RFP) process for good cause and approving Professional Services Agreement (PSA) with Felsburg Holt and Ullevig, Inc. (FHU) for Ingersoll Run Outlet – Phase 2, Street Design, not to exceed \$401,400.  

[\(Council Communication No. 21-222\)](#)
9. [Acceptance](#) of a proposal from MidAmerican Energy Company to install street lighting and pedestrian lighting for Ingersoll Avenue from 24<sup>th</sup> Street to 28<sup>th</sup> Street (north side), not to exceed \$103,791.44.  

[\(Council Communication No. 21-223\)](#)
10. Approving Private Construction Contract between the following:
  - (A) [Legacy Excavation](#), LLC and J. Larson Homes, LLC for Storm Sewer Improvements in Woodbury Plat 2, \$190,341.30.
  - (B) [Legacy Excavation](#), LLC and J. Larson Homes, LLC for Sanitary Sewer Improvements in Woodbury Plat 2, \$208,645.
11. [Communication](#) from contractors requesting permission to sublet certain items on public improvement project.

12. [Accepting](#) completed construction and approving final payment for River Bend and King Irving Sewer Separation Phase 1, Progressive Structures, LLC.
13. [Designation](#) of lowest responsible bidder as Baker Electric, Inc. (Chad Layland, CEO) on construction projects; approving contract and bond and permission to sublet on Women of Achievement Bridge Lighting Improvements, 238,861.00. (Hearing was held on March 22, 2021).

[\(Council Communication No. 21-231\)](#)

## **SPECIAL ASSESSMENTS**

14. [Levying](#) assessments for costs of Nuisance Abatement-NAC-Emergency Assessment (Community Development), Schedule No. 2021-05.

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

15. [Recommendation](#) by Mayor Cownie to appoint Chris Draper to the Plan and Zoning Commission, Seat 1, to fill vacancy by the resignation of the current appointee, with the new appointee to undertake the remainder of the term July 1, 2017 through June 30, 2022 and a full term from July 1, 2022 and ending on June 30, 2027.
16. [Recommendation](#) by Council Member Mandelbaum to appoint Ryan William Francois to the Des Moines Food Security Task Force, Seat 6, effective immediately.
17. [Communication](#) from Greg Jones advising of his resignation from the Plan and Zoning Commission, Seat 1, effective June 30, 2021.

## **COMMUNICATIONS FROM PLANNING AND ZONING**

18. [Regarding](#) request from TK Development, LLC (Dan Kruse, Officer) for approval of a Third Amendment to the Preliminary Plat "Southwoods Estates" located at 5730 Rose Avenue to allow for 19 development lots on Maish Avenue cul-de-sac and an extended cul-de-sac for Rose Circle.
19. [Regarding](#) request from Jerry's Home, Inc (Jay Cowan, Officer) for approval of the Preliminary Plat "Pearl Lake" on 14.65 acres located in the vicinity of the 3100 block of East Payton Avenue, to allow development of 39 one-household residential lots.

## SETTING DATE OF HEARINGS

20. [On](#) conveyance of vacated east-west alley right-of-way located south of and adjoining 2815 E. Washington Avenue to Brittani Rae Robbins for \$25, (6-14-21).
21. [On](#) vacation of portions of 12<sup>th</sup> Street and Keosauqua Way right-of-way adjoining 1201 Keosauqua Way and conveyance of a permanent easement for building encroachment and a permanent easement for building encroachment-door swing to Aust Real Estate, LLC for \$11,280, (6-14-21).
22. [On](#) request from Menard, Inc. (Theron Berg, Officer) to amend the PlanDSM: Creating Our Tomorrow comprehensive plan future land use designation for real property located at 5907 Southeast 8<sup>th</sup> Street and 801 Hart Avenue from Community Mixed Use within a Community Node to Low Density Residential within a Community Node and to rezone 5907 Southeast 8<sup>th</sup> Street and portions of 801 Hart Avenue from Limited CX-V Mixed Use District to N3a Neighborhood District to allow retention of two single-household residences that are no longer proposed for redevelopment, and to rezone 6000 Southeast 14<sup>th</sup> Street, and 5911 and 5917 Southeast 8<sup>th</sup> Street, from Limited CX-V Mixed Use District to revised Limited CX-V Mixed Use District to revise the zoning conditions contained in Ordinance 15,929 related to the proposed Large-Format Retail Sales Use on said property, with said revised conditions set forth in the resolution, (6-14-21).
23. [On](#) request from University Avenue Storage, LLC (Will Matthews, Officer) to amend the PlanDSM: Creating Our Tomorrow comprehensive plan future land use designation for property located at 1960 Claypool Street from Business Park to Industrial to allow rezoning from RX1 Mixed Use District to I1 Industrial District for the expansion of the existing self-service storage located on adjacent property, (6-14-21).
24. [On](#) request from MercyOne Medical Center Des Moines (Diane Cummins, Officer) to approve PUD Final Development Plan “MercyOne Richard Demming Cancer Center” located at 411 Laurel Street to facilitate construction of a new vehicular drop-off lane and canopy on and adjacent to the west façade building entrance, in compliance with a previously approved PUD Conceptual Plan amendment, (6-14-21).
25. [On](#) request from Wesley Retirement Services, Inc (Rob Kretzinger, Officer) to approve PUD Final Development Plan “Wesley Acre – Site Improvement Plan” on property located at 3520 Grand Avenue and 401 37<sup>th</sup> Street to facilitate construction building additions and site revisions that are allowed by the recently approved amendment to the Wesley Acres PUD Conceptual Plan, including building additions for the north and west entries with reconfiguration of the adjacent parking lot areas including extension of parking to the north toward Grand Avenue, a building addition for swimming pool and auditorium use on the west, a terrace/pond landscape feature in the north side of the site, and renovation of the central courtyard area, (6-14-21).

26. [On](#) request from Hubbell Realty Company (Steve Mosely, Officer) for the 10<sup>th</sup> Amendment to Riverwoods Legacy Planned Unit Development (PUD) Conceptual Plan for property located in the vicinity of Riverwoods Road and River Ridge Avenue to revise areas identified as F, G and H on the plan by revising the configuration of the single-household residential lots in “Area F” and replacing “Area G” and “Area H” with an open space/conservation area and to eliminate the extension of River Ridge Road to East Park Avenue and reduce the length of the Grand River Drive cul-de-sac, (6-14-21).
27. [On](#) third amendment to Birdland Marina Food, Beverage and Fuel Concession Agreement with Less Than Trinity, LLC d/b/a Captain Roy’s (LTT/CR) for additional concession rights for canoes, kayaks, stand-up paddle boards and bicycle rentals, boat tours and shuttle services on the Des Moines River, sales of supplies to paddlers and powerboaters, service and repair for bicycles, and use of the Birdland Marina logo of merchandise. In exchange for these rights, LTT/CR will pay the City a percentage of gross revenue, (6-14-21).

[\(Council Communication No. 21-221\)](#)

28. [On](#) Memorandum of Agreement and License with United States of America, by and through the General Services Administration (GSA) for installation and maintenance of certain improvements associated with the Federal Courthouse Project at 101 Locust Street, (6-14-21).
29. [On](#) conveyance of a Permanent Underground Electric Easement on City-owned property located south of and adjoining Line Drive between Southwest 2<sup>nd</sup> Street and Southwest 3<sup>rd</sup> Street to MidAmerican Energy Company for \$1, (6-14-21).

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

30. [Approving](#) payment to Progressive Insurance Company as subrogee for the property damage claims of its insureds Luis and Merced Carrillo Cenicerros.

#### **APPROVING**

31. [2021-2022](#) Emergency Solutions Grant (ESG) funding from U.S. Department of Housing and Urban Development (HUD).

[\(Council Communication No. 21-233\)](#)

32. [Memorandum](#) of Understanding with Invest DSM, Inc. for administration of the City’s Neighborhood Matching Grant Fund Program.

[\(Council Communication No. 21-225\)](#)

33. [Preliminary](#) commitment of HOME funds to Anawim for rehabilitation of 4845 Merle Hay Road.

[\(Council Communication No. 21-234\)](#)

34. [U.S. Department](#) of Treasury Coronavirus Local Fiscal Recovery Fund Award terms and conditions.

35. [Parking](#) License Agreement with the United States General Services Administration (GSA) for the use of 41 parking spaces for a one-year term commencing April 1, 2021 within the Third and Court Garage to accommodate the users of the Neal Smith Federal Building located at 210 Walnut Street.

36. [Amendments](#) to Schedule of Fees for Construction Permits.

[\(Council Communication No. 21-236\)](#)

37. Abatement of public nuisances at the following:

- (A) [1619](#) 6<sup>th</sup> Avenue.
- (B) [112](#) E. 29<sup>th</sup> Street.
- (C) [818](#) E. 27<sup>th</sup> Street.

38. Purchases from the following:

- (A) [Truck Equipment, Inc](#) (Terry Wheeler, President) for various truck body equipment to be installed on chassis for use by the Public Works and Engineering Departments, (Three potential bidders, two received), \$316,367.

[\(Council Communication No. 21-220\)](#)

- (B) [Meridian](#) Rapid Defense Group (Bill Fields, CFO) for ten (10) sets of anti-vehicle barriers, a hauler and transport trailer per U.S. General Services Administration (GSA) contract for use by the Police Department, \$92,777.77.

[\(Council Communication No. 21-237\)](#)

- (C) [Landscape](#) Structures of Deleno Minnesota (Steve King, Founder, Chairman of the Board) for playground equipment for Witmer Park per National Cooperative Purchasing Alliance (NCPA) contract for use by the Parks and Recreation Department, \$73,349.

[\(Council Communication No. 21-219\)](#)

39. [Implementation](#) of a City Employee Residency Incentive Program.



39I. [Amending](#) the procedural rules of the Des Moines City Council.

40. [Designation](#) of multiple depositories for City funds.

[\(Council Communication No. 21-232\)](#)

40I. [Allocation](#) of funds in support of 2021 summer weekend evening activities in Court Avenue Entertainment District.

41. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 24 and 31 and June 7, 2021; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 24 and 31 and June 7, 2021; to draw checks for biweekly payroll due June 4, 2021.

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

## APPROVING

42. Items related to the Central Iowa Water Trails: Phase I Dam Mitigation and User Access Project:

(A) [Granting](#) a variance of Floodplain Development Code Section 50-34 (14) for development in a Floodway that results in an increase in base flood elevation to the Des Moines Area Metropolitan Planning Organization (DMAMPO) on behalf of Central Iowa Water Trails, LLC (CIWT) for the CIWT Scott Avenue Project.

[\(Council Communication No. 21-228\)](#)

(B) [Approving](#) “Letter of No Objection” regarding proposed Central Iowa Water Trails: Phase I Dam Mitigation and User Access Project.

[\(Council Communication No. 21-224\)](#)

(C) [Authorizing](#) notification regarding City participation in the Central Iowa Water Trails System, subject to agreement terms being finalized.

[\(Council Communication No. 21-235\)](#)

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 43 THRU 47)**

43. [On](#) correcting the vacation of a portion of Ashworth Park located north of and adjoining 514 Foster Drive.
- (A) [First](#) consideration of ordinance above.
44. [On](#) conveyance of vacated street right-of-way located south of and adjoining 1403 Dean Avenue to Sabrina Gnuwech and Lucas Gnewuch for \$50.
45. [On](#) conveyance of vacated alley right-of-way adjoining 413 Euclid Avenue to Euclid Foresight, LLC for \$5,080.
46. [On](#) request from Fareway Stores, Inc. (Matt Heath, Officer) 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. **(Continued from May 10, 2021).**
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Garrett S. Piklapp, EVP/Sec./GC, Fareway Stores, Inc.), requires six votes.
47. [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 8<sup>th</sup> Street for temporary use by the Public Works Department.

[\(Council Communication No. 21-230\)](#)

- (A) [Approving](#) and authorizing execution of amended lease agreement.

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

## COMMUNICATIONS/REPORTS

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

- (A) Max Mowitz.
- (B) Cora Eggherman.
- (C) Dan Kauble.
- (D) Julie Schwertley.
- (E) Brandon Reinders.
- (F) Carrie Gosnell.
- (G) Dani Ausen.
- (H) Pete Myers.
- (I) Lora Fraracci.
- (J) Marco Battaglia.
- (K) Jacqueline Thompson.
- (L) Dex Nash.
- (M) Jacob Grobe.
- (N) Stephanie Cardwell.
- (O) Lori A. Young.
- (P) Mariella Theuma.
- (Q) Adriane Demuth.
- (R) Debra Howell.
- (S) Janice Hawkins.
- (T) Brenda McDonald.

MOTION TO ADJOURN.

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