

DES MOINES CITY COUNCIL MEETING
City Hall, City Council Chambers
400 Robert D Ray Drive
Des Moines, Iowa 50309

August 23, 2021
5:00 PM

Due to the increased community transmission of COVID-19 in Polk County, we have implemented a face covering requirement in City buildings. The requirement applies to both staff and the visiting public and includes attendance at Council meetings. If you do not have a face covering, one will be provided for you.

The public is hereby notified that the City Council will not tolerate disruption of its business meetings. Persons wishing to attend this meeting are reminded of the following:

We welcome germane comments from the public at the appropriate time, but this is a Council business meeting and the Council needs to conduct the people's business and Council has rules that are validly adopted under Iowa law and those rules will be followed.

Anyone engaging in disruptive conduct in the Council Chambers or Great Hall will result in those being disruptive being ordered to leave the building and being denied readmittance for the remainder of the day.

No person will be permitted to stand in the council chamber during council sessions between the audience seats and the councilmembers except the persons addressing the council **at the speakers' microphone** and **only** after being recognized by the Mayor.

All persons desiring to address the council may do so only when recognized by the Mayor, but the council reserves the right to limit the speaker's time and the order in which the speakers may address the council.

Under Section 2-70 of the City Code, it is illegal to interrupt any person who is addressing the council except by a council member and it is illegal to disrupt the Council meeting.

EVERYONE in attendance has First Amendment rights and any disruptive conduct by one person or group impinges on the rights of others present, so disruptive conduct will not be tolerated.

If the meeting is disrupted, the public speaking portion of the meeting may be moved to the next in-person meeting which is not disrupted.

Those who disrupt the meeting will not be called on during the meeting, will be ordered to leave the building and may be cited or arrested for disorderly conduct, trespass or interfering with the good order of the meeting or other applicable charges.

I. CLOSED SESSION – 3:45 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 34:

***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 Applications for the following:

NEW APPLICATIONS

(A) ALLEGED LEES	510 E GRAND AVE	Class C Liquor
(B) CRAFT BRU	210 SW 11TH ST #7	Class B Beer
(C) DRAKE UNIVERSITY STADIUM (Beer/Wine)	2719 FOREST AVE	Class C Liquor
(D) LA PENA MEXICAN	2010 INDIANOLA AVE	Class C Liquor
(E) MARLE HAY LIQUOR & SMOKE	3408 MERLE HAY RD	Class E Liquor
(F) MLK LIQUOR LLC	3424 MLK JR PKWY	Class E Liquor
(G) PAVILION LOCATION #44	3000 E GRAND AVE	Class B Beer
(H) ZORA BAR ROOFTOP	2120 INGERSOLL AVE	Class C Liquor

RENEWAL APPLICATIONS

(I)	AIRPORT RAMADA	1810 ARMY POST RD	Class B Liquor
(J)	BLUE SUSHI SAKE GRILL	316 COURT AVE	Class C Liquor
(K)	CASEYS GENERAL STORE #2314	3527 INDIANOLA AVE	Class C Beer
(L)	CASEYS GENERAL STORE #2784	4151 MERLE HAY RD	Class C Beer
(M)	CEVICHE	223 E WALNUT ST	Class C Liquor
(N)	CHEAP SEATS	2301 HUBBELL AVE	Class C Liquor
(O)	CONFLUENCE BREWING CO	1235 THOMAS BECK # A	Class B Beer
(P)	COPPER CUP	207 4TH ST	Class C Liquor
(Q)	CREME CUPCAKE + DESSERT	543 28TH ST	Class C Liquor
(R)	CROATIAN FRATERNAL SLAVIC	6575 INDIANOLA AVE	Class C Liquor
(S)	CVS PHARMACY #10162	3151 SE 14TH ST	Class E Liquor
(T)	DOLLAR GENERAL #13488	3220 MLK JR PKWY	Class C Beer
(U)	E 25TH ST PUB & GRUP	509 E 25TH ST	Class C Liquor
(V)	EL VALLE TIENDA MEXICANA	101 ARMY POST RD	Class C Beer
(W)	FRATERNAL ORDER OF EAGLES	6567 BLOOMFIELD RD	Class A Liquor
(X)	GAS LAMP	1501 GRAND AVE	Class C Liquor
(Y)	GRAND VIEW UNIVERSITY	2811 E 14TH ST	Class C Liquor
(Z)	GUCKENHEIMER SERVICES	1900 SCOTT AVE	Class C Liquor
(AA)	HY VEE MARKET CAFE #2	2540 E EUCLID AVE	Class C Liquor
(BB)	HY VEE MARKET CAFE #4	4605 FLEUR DR	Class C Liquor
(CC)	KUM & GO #536	1300 KEOSAUQUA WAY	Class C Beer
(DD)	LA FAVORITA	1700 E GRAND AVE	Class C Beer
(EE)	PAL JOEYS	6224 GRAND AVE	Class C Liquor
(FF)	PROOF	1301 LOCUST ST	Class C Liquor
(GG)	RICOS PUB	2314 UNIVERSITY AVE	Class C Liquor
(HH)	SOUTHSIDE TOBACCO/LIQUOR	2424 SW 9TH ST #1	Class E Liquor
(II)	TEQUILAS LIQUOR STORE	1434 DES MOINES ST #5	Class E Liquor
(JJ)	TOBACCO OUTLET PLUS #510	3409 SW 9TH ST	Class C Beer
(KK)	UP/DOWN	500 E LOCUST ST	Class C Liquor
(LL)	VICKIES	2801 2ND AVE	Class C Liquor
(MM)	WAKONDA CLUB	3915 FLEUR DR	Class C Liquor

SPECIAL EVENT APPLICATIONS

(NN)	BUZZARD BILLYS	615 3RD ST PARKING LOT	5 days
	CLASS C LIQUOR LICENSE FOR THE ALAN JACKSON CONCERT ON SEPTEMBER 11, 2021.		
(OO)	CHRIST THE KING	5711 SW 9TH ST	5 days
	SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR 7TH STREET BASH ON AUGUST 27, 2021.		

- (PP) COURT AVE BREWING 315 COURT AVE 5 days
CLASS C LIQUOR LICENSE FOR 25 YEAR PARTY ON SEPTEMBER 4, 2021.
- (QQ) DES MOINES OKTOBERFEST 103 4TH ST BEER TENT 5 days
CLASS C LIQUOR LICENSE FOR FESTIVAL ON SEPTEMBER 24 - 25, 2021.
- (RR) EXILE BREWING COMPANY 221 WALNUT ST 5 days
CLASS B BEER LICENSE FOR DAM TO DSM ON AUGUST 25 - 28, 2021.
- (SS) STAR BAR 2811 INGERSOLL AVE 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR INGERSOLL LIVE
ON AUGUST 28, 2021.
- (TT) WORLD FOOD & MUSIC FESTIVAL 1330 GRAND AVE 5 days
CLASS C LIQUOR LICENSE FOR FESTIVAL ON SEPTEMBER 17 - 19, 2021.
- (UU) WORLD FOOD & MUSIC FESTIVAL 1310 GRAND AVE 5 days
CLASS C LIQUOR LICENSE FOR FESTIVAL ON SEPTEMBER 17 - 19, 2021.
- (VV) WORLD FOOD & MUSIC FESTIVAL 451 12TH ST 5 days
CLASS C LIQUOR LICENSE FOR FESTIVAL ON SEPTEMBER 17 - 19, 2021.
- (WW) IOWA CRAFT BEER TENT 313 WALNUT ST 5 days
CLASS B LIQUOR LICENSE FOR AN EVENT ON SEPTEMBER 10-11, 2021.

OUTDOOR SERVICE APPLICATION

- (XX) EXILE BREWING 1514 WALNUT ST Class C Liquor
TEMPORARY FOR ANNUAL MUSIC FESTIVAL ON AUGUST 28, 2021.

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

PUBLIC IMPROVEMENTS

6. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement (PSA) with I&S Group, Inc. for construction phase services for the Market District Street Reconstruction project (E. 1st, 2nd and 3rd and 7th Streets), not to exceed \$61,176.

[\(Council Communication No. 21-364\)](#)

7. [Approving](#) Change Order No. 2 with Minturn, Inc for additional work on 2021 Bridge and Culvert Repair, in the amount of \$125,890.

[\(Council Communication No. 21-369\)](#)

8. [Approving](#) Change Order No. 2 with Woodruff Construction, LLC. for additional work on S.E. 9th Street Storm Water Pump Station and Improvements, in the amount of \$81,875.13.

[\(Council Communication No. 21-371\)](#)

9. [Approving](#) Change Order No. 7 with Koester Construction Company, Inc. for additional work on Municipal Service Center – Phase 2, in the amount of \$643,250.02.

[\(Council Communication No. 21-370\)](#)

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

11. Accepting completed construction and approving final payment for the following:

- (A) [5th/Keo Way](#) Parking Garage Elevator Replacement, Schumacher Elevator Company.
- (B) [S.E. 4th](#) and Van Buren Storm Water Pump Station Improvements, Cramer and Associates, Inc.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for costs of Public Works Non-Emergency Sewer Repair at 905 23rd Place, Schedule 2021-03, Activity ID 20-1111-000, and providing for the payment thereof.

LAND/PROPERTY TRANSACTIONS

13. [Accepting](#) PUD Restoration Surety for Katecho Final Development Plan.

[\(Council Communication No. 21-374\)](#)

14. [Releasing](#) PUD Restoration Bond for Ruby Rose Ridge.

15. [Releasing](#) Subdivision Bond for Summerfield Plat 4.

16. [Conditionally](#) approving final subdivision plat of Des Moines Independent Community School District (DMPS) Community Stadium at Drake University Plat 1.

[\(Council Communication No. 21-372\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Communication](#) from Jule A. Thorsen advising of her resignation due to her term expiring from the Library Board of Trustees, Seat 1, effective immediately.
18. [Recommendation](#) from Mayor Cownie to appoint Jessica Cezar to the Library Board of Trustees, Seat 1, for a term ending June 30, 2025.
19. [Submission](#) of the 2019-2020 Annual Report of the Greater Des Moines Public Art Foundation as required by agreement.

COMMUNICATIONS FROM PLANNING AND ZONING

20. [Regarding](#) approval of Preliminary Plat “Oak Crest” for property located at 4005 Grand Avenue and 520th 4th Street.
21. [Request](#) by KG Store 543, LLC (Gerard Haberman) for City-initiated vacation of a segment of 16th Street south of High Street.
22. [Regarding](#) approval of Preliminary Plat Amendment to the “Woods on the River Plat 11” for property located in the vicinity of Riverwoods Road and River Ridge Avenue.

SETTING DATE OF HEARINGS

23. [On](#) conveyance of excess City owned property located west of and adjoining 2000 Leyner Street to Michelle Scaglione for \$100, (9-13-21).
24. [On](#) proposed amendment to Zoning Ordinance to provide for the allowance of Outdoor Storage as accessory to the use of Self-Service Storage within the I1 and I2 Industrial Districts, (9-13-21).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. [Approving](#) First Amendment to Consent Order, Judgment and Decree between the State of Iowa and the City of Des Moines and Des Moines Metropolitan Wastewater Reclamation Authority.

APPROVING

26. Items related to first amendment to Urban Renewal Development Agreement with Bell Avenue Properties, Inc. for property located north of SW McKinley and east of SW 63rd

Street and proposed Second Amendment to Southwest Gateway Urban Renewal Plan, as follows:

[\(Council Communication No. 21-373\)](#)

- (A) [Approving](#) First Amendment to Urban Renewal Development Agreement (Southwest Gateway Urban Renewal Area) with Bell Avenue Properties, Inc. (Thomas Koehn, President).
 - (B) [Setting](#) date of hearing on proposed Second Amendment to the Southwest Gateway Urban Renewal Plan, (10-4-21).
 - (C) [Approving](#) advance of funds to the Southwest Gateway Urban Renewal Project for the payment of reimbursement to the City's Economic Development Enterprise Account related to Bell Avenue Properties, Inc. Supplemental Grant.
27. [2020](#) Project Safe Neighborhood Grant Award through the State Office of Drug Control Policy, \$53,640.

[\(Council Communication No. 21-365\)](#)

28. [Approving](#) Iowa Department of Transportation (IDOT) Agreement for maintenance of primary roads in Municipalities from July 1, 2021 and June 30, 2026, approving Supplemental Agreement for maintenance of primary roads in Municipalities from July 1, 2021 to June 30, 2022 including for Emergency Maintenance of State of Iowa Owned Traffic Signals and ratifying and confirming approval of Iowa Department of Transportation (IDOT) Agreement for maintenance of primary roads in Municipalities and for Emergency Maintenance of State of Iowa Traffic Signals from July 1, 2020 to June 30, 2021.

[\(Council Communication No. 21-358\)](#)

29. [Cooperative](#) Agreement with Polk County and Polk Soil and Water Conservation District to provide funding for Watershed Improvements in Fourmile Creek Watershed, in an amount not to exceed \$50,000.

[\(Council Communication No. 21-359\)](#)

30. [Accepting](#) proposal of M.A. Architecture, Inc. for consultant services for Grubb Community Recreation Center Programming and Planning, approving Agreement for the same, and authorizing City Manager to execute Agreement, \$172,800.

[\(Council Communication No. 21-366\)](#)

31. [Public](#) Financial Advisors, LLC (PFM) proposal for the provision of Professional Municipal Advisor for Financial Services and approving contract.

[\(Council Communication No. 21-367\)](#)

- 31I [Second](#) advance to IMPACT Community Action Agency for the second round of the Emergency Rental Assistance Program (ERAP from the U.S. Department of Treasury

32. Abatement of public nuisances as follows:

- (A) [2009](#) SW 9th Street
- (B) [664](#) 26th Street
- (C) [1245](#) 21st Street
- (D) [2101](#) Forest Avenue
- (E) [845](#) E 24th Court

33. Purchases from the following:

- (A) [W.W. Grainger](#) (Shannon Waddell, Branch Manager) for one sweeper/scrubber per Omnia Master Agreement as requested by the Facilities Division, \$76,343.17.

[\(Council Communication No. 21-368\)](#)

- (B) [Toter, Inc.](#) (Chad Coquette, Executive Director/CEO) for a blanket purchase order for solid waste carts compatible with existing solid waste trucks per Sourcewell contract as requested by the Solid Waste Division of the Public Works Department, estimated annual cost \$480,000.

[\(Council Communication No. 21-360\)](#)

34. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 23, 30 and September 6, 2021; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 23, 30 and September 6, 2021; to draw checks for biweekly payroll due August 27 and September 10, 2021.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 35 THRU 46)

35. On vacation of a portion of Watson Powell Jr. Way right-of-way adjoining 524 4th Street and conveyance of a Permanent Easement for Subsurface Building Encroachment on City-Owned property and a Permanent Easement for Building Encroachment to the State of Iowa for the use and benefit of the Department for the Blind.
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above (waiver requested by James Trower, Iowa Department of Administrative Services), requires six votes.

36. On vacation of the north-south alley right-of-way located east of and adjoining 1106 Scott Avenue, and conveyance to Des Moines Climate Controlled Self Storage, LLC for \$9, 280.
 - (A) First consideration of ordinance above.

37. On vacation of segments of street and alley right-of-way in the vicinity of Southeast Astor Street and Shaw Street, and in the vicinity of Southeast 16th Street and Vale Street as part of the Municipal Services Center Phase 2 Project.
 - (A) First consideration of ordinance above.

38. On vacation of a portion of Southeast 3rd Street right-of-way located north of East Market Street and south of vacated East Vine Street adjoining 200 Southeast 3rd Street as part of the Market District Redevelopment Project.
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above (waiver requested by Erin Olson-Douglas, Development Services Director), requires six votes.

39. To correct the vacation of a portion of East Martin Luther King, Jr. Parkway right-of-way located between East 15th Street and East 18th Street, and conveyance to Des Moines Industrial, LLC for \$100.
 - (A) First consideration of ordinance above.

40. Continuing hearing on vacation of excess City right-of-way located north of and adjoining 1661 County Line Road, and conveyance to JOPPA for \$30,000.

41. On conveyance of vacated north/south alley right-of-way located west of and adjoining 1266 East 17th Court to Byron G. Giron for \$25.

42. [On](#) conveyance of excess City property located west of and adjoining 2003 Center Street to David A. Clason and Margaret J. Clason, Trustees of the David A. Clason and Margaret J. Clason Revocable Family Trust dated October 21, 2003, for \$50.
43. [On](#) request from Bakkie Properties, LLC (Owner) to rezone property located at 914 East Euclid Avenue from ‘MX3’ Mixed Use District to ‘RX2’ Mixed Use District to allow development of additional Multiple Household Living dwellings on the property, where the structures would contain dwelling units on the ground level.
- (A) [First](#) consideration of ordinance above.
44. [On](#) request from KG Store 543, LLC (Gerard Haberman, Officer) to rezone property locally known as 1619 Ingersoll (Property 1) from DX2 Downtown District to MX2 Mixed Use District and to rezone 1620 High Street (Property 2) from RX1 Mixed Use District to MX2 Mixed Use District to allow reuse of the property at 555 17th Street for a microbrewery with additional commercial uses.
- (A) [First](#) consideration of ordinance above.
45. [Continuing](#) hearing on request from JOPPA (Joe Stevens, Officer) to amend PlanDSM: Creating Our Tomorrow future land use designation of property located at 1661 County Line Road from Business Park to Neighborhood Mixed and Medium Density Residential to allow rezoning to ‘RX1’ Mixed Use District and ‘NX2’ Neighborhood Mix District to allow redevelopment of the property as a JOPPA village for 50 units of Household Living use and Professional Office use as a transitional housing community. The property is currently owned by the Des Moines Metro Wastewater Reclamation Authority City of Des Moines. **Continue hearing until October 4, 2021.**
46. [On](#) request from James Hunter and Connie Conrad-Hunter (Owners) for designation of the “Snookies Neon Sign” located at 1810 Beaver Avenue as a Local Landmark.

[\(Council Communication No. 21-375\)](#)

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

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 21-362\)](#)

- (A) Proposed code changes to match field conditions at the following locations:

- (1) East side of E 1st Street between E Vine Street and E Court Avenue
- (2) East side of E 2nd Street between E Court Avenue and E Walnut Street
- (3) East side of E 2nd Street between E Walnut Street and E Locust Street
- (4) East side of SE 3rd Street between E Vine Street and E Market Street
- (5) East side of SE 4th Street between E Vine Street and E Army Post Road
- (6) East side of E 5th Street between E Walnut Street and Lyon Street
- (7) North side of E Grand Avenue between Robert D Ray Drive and E 2nd Street
- (8) North side of E Locust Street between E 4th Street and Pennsylvania Avenue

(B) Proposed code changes to match field conditions to reflect the removal of rush hour parking restrictions on 7th Street between High Street and Watson Powell.

48. [Amending](#) Sections 50-26 and 50-34, relating to floodplain regulation.

[\(Council Communication No. 21-363\)](#)

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

COUNCIL REQUESTS

49. [From](#) Council Members Gatto and Voss to discuss expansion of the East Village footprint for food trucks.

COMMUNICATIONS/REPORTS

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

- (A) Debra Franklin.
- ~~(B) James Grimm. Withdrawn~~
- (C) Molly Arndt.
- (D) Paden Sheumaker.
- (E) Denver Foote.
- (F) Bridget Pedersen.
- (G) Adam Callanan.
- (H) Garland Armstrong.
- (I) Harvey Harrison.

MOTION TO ADJOURN.

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