

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

**November 15, 2021**  
**5:00 P.M.**

*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.

**PROCLAMATION (4:45 P.M.)**

Native American Heritage Month

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 31:

**\*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) CRAFT BRU	210 SW 11TH ST #007	Class C Liquor
(B) CROZ NEST EAST	3801 EASTON BLVD	Class C Liquor
(C) MARDI GRAS - BIG EASY	6112 SW 9TH ST	Class C Liquor
(D) MARVS MUSIC	506 E 6TH ST #200	Special Class C
(E) NACHO TEQUILAS	6401 SE 14TH ST	Class C Liquor

**RENEWAL APPLICATIONS**

(F) BIANCHIS HILLTOP	2820 HUBBELL AVE	Class C Liquor
(G) BREAKFAST CLUB	212 E 3RD ST #A	Class C Liquor
(H) CASEYS STORE #2892	6120 DOUGLAS AVE	Class C Beer
(I) CENTERPLATE	1 LINE DR	Class C Liquor
(J) CHAMPS CLUB & PATIO	2279 HUBBELL AVE	Class C Liquor
(K) DES LUX HOTEL	800 LOCUST ST	Class B Liquor
(L) DISTRICT	216 COURT AVE #101	Class C Liquor
(M) ESTRADAS	3029 MERLE HAY RD	Class C Liquor
(N) EUROPA GROCERIES	3839 MERLE HAY #116	Class C Beer
(O) FLIX BREWHOUSE IOWA	3800 MERLE HAY #1300	Class C Liquor
(P) GAMEDAY KITCHEN	3800 MERLE HAY #1220	Class C Liquor
(Q) HIGH LIFE LOUNGE	200 SW 2ND ST	Class C Liquor
(R) JUNIPER MOON	2005 INGERSOLL AVE	Class C Liquor
(S) KUM & GO #208	3200 SE 14TH ST	Class E Liquor
(T) KUM & GO #4110	2110 GUTHRIE AVE	Class E Liquor
(U) MIYABI 9	512 E GRAND AVE	Special Class C
(V) PARK AVENUE PUB	1101 PARK AVE	Class C Liquor
(W) QUIK TRIP #500	3700 HUBBELL AVE	Class E Liquor

- (X) QUIK TRIP #534 2945 E UNIVERSITY AVE Class E Liquor
- (Y) QUIK TRIP #541 2428 HUBBELL AVE Class C Beer
- (Z) QUIK TRIP #554 901 SW 63RD ST Class E Liquor
- (AA) ROYAL MILE, THE 210 4TH ST Class C Liquor
- (BB) SAHOTA FOOD MART 1805 SE 14TH ST Class E Liquor
- (CC) SKIPS 4000 FLEUR DR Class C Liquor
- (DD) TEEHEES COMEDY CLUB 1433 WALNUT ST Class C Liquor

**SPECIAL EVENT APPLICATIONS**

- (EE) IOWA EUROPEAN CULTURAL 1 LINE DR 5 days  
CLASS C LIQUOR LICENSE FOR CHRIST KINDL MARKET ON  
DECEMBER 2 - 5, 2021.
- (FF) SALISBURY HOUSE 4025 TONAWANDA DR 5 days  
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR HOLIDAY  
CONCERT ON DECEMBER 5, 2021.

**TRANSFER TO NEW LOCATION**

- (GG) 4H BUILDING 3000 E GRAND CLASS B Beer  
TEMPORARY TO THE CATTLE BARN FOR EVENTS ON DECEMBER 13 –  
17, 2021.
- (HH) ELWELL FAMILY FOOD 3000 E GRAND CLASS C Liquor  
TEMPORARY TO THE 4H BUILDING FOR EVENTS ON DECEMBER 13 –  
17, 2021.

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

**PUBLIC IMPROVEMENTS**

- 6. Ordering construction of the following:
  - (A) [2022 PCC](#) Pavement Patching Program: Receiving of bids (12-7-21), Setting date of hearing (1-10-22), Engineer’s estimate, \$1,100,000.

[\(Council Communication No. 21-489\)](#)

- (B) [Pennsylvania](#) Avenue Reconstruction from North of E University Avenue to E Washington Avenue: Receiving of bids (12-7-21), Setting date of hearing (1-10-22), Engineer’s estimate, \$1,650,000.

[\(Council Communication No. 21-496\)](#)

- (C) [E 30<sup>th</sup> Street](#) and E University Avenue Intersection Improvements: Receiving of bids (12-7-21), Setting date of hearing (12-20-21), Engineer’s estimate, \$835,000.

[\(Council Communication No. 21-495\)](#)

- (D) [5<sup>th</sup> Avenue](#) and Grand Avenue One-Way to Two-Way Conversion: Receiving of bids (12-7-21), Setting date of hearing (12-20-21), Engineer’s estimate, \$1,600,000.

[\(Council Communication No. 21-490\)](#)

7. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Kirkham Michael & Associates, Inc. for design and construction services for Hamilton Drain Storm Water Improvements for Construction Staking of Phase 2 and Final Design of Phase 3, not to exceed \$430,000.

[\(Council Communication No. 21-487\)](#)

8. [Approving](#) Change Order No. 3 with Minturn, Inc. for additional work on 2021 Bridge and Culvert Repair, \$98,900.

[\(Council Communication No. 21-493\)](#)

9. [Acceptance](#) of proposal from MidAmerican Energy Company to install new LED streetlights for the E. Douglas Avenue Reconstruction – E. 42nd Street to E. 56th Street, estimated cost \$255,147.96.

[\(Council Communication No. 21-486\)](#)

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

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

- (A) [2020](#) Gray’s Lake Shoreline Repair, RW Excavating Solutions, LC.
- (B) [2020](#) Neighborhood Sidewalk Program Contract 1, Ti-Zack Concrete, Inc.
- (C) [Lower](#) Oak and Highland Park Sewer Separation Phase 3, J & K Contracting, LLC.

## **SPECIAL ASSESSMENTS**

12. [Levying](#) assessments for costs of Public Works sewer repair at 2422 Forest Drive, Schedule No. 2021-05.

## LAND/PROPERTY TRANSACTIONS

13. [Authorization](#) to proceed with acquisition of necessary property interests for the Pennsylvania Avenue Reconstruction from north of East University Avenue to East Washington Avenue Project.

([Council Communication No. 21-491](#))

14. [Conditionally](#) approving Woodbury Plat 1 final plat and acceptance of subdivision improvement bond.

([Council Communication No. 21-485](#))

## BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Recommendation](#) by Council Member Gray to appoint Brent Millis to Parks and Recreation Board, Seat 7, to fill a vacancy with a term ending on July 30, 2024.

## COMMUNICATIONS FROM PLANNING AND ZONING

16. [Regarding](#) Douglas Avenue Urban Renewal Plan is in conformance with the PlanDSM: Creating Our Tomorrow Plan.
17. [Regarding](#) request from MidAmerican Energy Company for vacation of right-of-way in the vicinity of 2399 East County Line Road.

## SETTING DATE OF HEARINGS

18. [On](#) the Fourth Amendment to Real Estate Lease and Asset Transfer Agreement with the Des Moines Airport Authority to exclude excess property adjoining Fleur Drive north of Porter Avenue and to include property adjoining Fleur Drive between Highview Drive and Southlawn Drive, and property located at 4459 Parklawn Drive, (12-6-21).
19. Number Not Used.
20. Number Not Used.
21. [On](#) the proposition to authorize a lease in the principal amount of not-to-exceed \$130,000 for the purpose of acquiring certain items of equipment for winter snow removal consisting of three (3) motor graders and one bulldozer, (12-6-21).
22. [On](#) appeal by Menard, Inc. of denial of Type 2 Design Alternative for site plan for property located at 6000 Southeast 14<sup>th</sup> Street, (12-6-21).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

23. [Approving](#) payment in the matter of the claim of Clifford Watkins.
24. [Approving](#) payment to Jason Rincon for a Workers' Compensation Claim.
25. [Approving](#) the settlement agreement and payment for the claim of Christal Shetworth.

## APPROVING

26. [Preliminary](#) terms of an Urban Renewal Development Agreement with Landus Cooperative to consolidate and relocate office space and an innovation center at 220 SW 9<sup>th</sup> Street.

[\(Council Communication No. 21-502\)](#)

27. Abatement of public nuisances as follows:

- (A) [1196](#) 9<sup>th</sup> St.
- (B) [2536](#) Capitol Avenue.

- 27I. [An](#) Exception to the procurement ordinance for proposals process for good cause and approving amendment to extend contract with Per Mar Security Services for On-site Security Services.

[\(Council Communication No. 21-505\)](#)

28. Purchases from the following:

- (A) [Heartland](#) Business Systems (Peter Helander, CEO) for Cisco 9300 network equipment per State of Iowa contract for use by the Information Technology Department, \$107,504.56.

[\(Council Communication No. 21-498\)](#)

- (B) [OneNeck](#) IT Solutions (Terry Swanson, President and CEO) for maintenance and support of Hewlett-Packard (HP) 3PAR 8400 Storage Arrays per State of Iowa contract for use by the Information Technology Department, \$57,600.

[\(Council Communication No. 21-499\)](#)

- (C) [Insight](#) Public Sector (Ken Lamneck, President and CEO) for the purchase of Security Information and Event Management (SIEM) Software Rapid 7 InsightIDR

Subscription and Implementation Training per the Omnia contract for use by the Information Technology Department, \$149,111.79.

[\(Council Communication No. 21-500\)](#)

29. Items regarding Annual Urban Renewal Report (AURR) and Tax Increment Financing (TIF) Certification:

[\(Council Communication No. 21-497\)](#)

- (A) [Advance](#) of funds to the Metro Center Urban Renewal Project for planning, oversight, and administration, \$800,000.
  - (B) [Recommendation](#) from the City Manager regarding TIF needs for FY 2022-2023 and certification of TIF indebtedness.
  - (C) [Urban](#) Renewal Reports for Urban Renewal Plans and Areas within the City of Des Moines.
30. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 15, 22 and 29, 2021; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 15, 22 and 29, 2021; to draw checks for biweekly payroll due November 19 and December 3, 2021.

**ORDINANCES - FINAL CONSIDERATION**

31. [Amending](#) Section 42-358, relating to notices to abate nuisances.

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

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 32 THRU 40)**

32. [On](#) request from Wesley Life to amend PlanDSM: Creating Our Tomorrow future land use designation for 3206 University Avenue, and 1117 and 1119 33<sup>rd</sup> Street from Low Density Residential and Low-Medium Density Residential to Community Mixed use and to rezone

the property from P2 Public, Civic and Institutional District to Limited MX3 Mixed Use District to allow use of the existing building at 3206 University for a mix of uses, including Restaurant and Limited Fabrication and Production Use and to allow expansion of the existing parking lot onto the parcels at 1117 and 1119 33<sup>rd</sup> Street.

(A) [First](#) consideration of ordinance above.

33. [On](#) conveyance of vacated City alley located east of and adjoining 915 23<sup>rd</sup> Street to Maria Rodriguez, \$25.
34. [On](#) conveyance of vacated City alley located east of and adjoining 905 23<sup>rd</sup> Street to Gregory P. Brown, \$25.
35. [On](#) conveyance of excess City-owned property locally known as 2411, 2501 and 2505 Sunset Road, and District/Parcels 010/05229-000-000 and 010/05230-000-000 to Midwest Quality Wholesale, Inc., \$133,200.

[\(Council Communication No. 21-492\)](#)

36. [On](#) a proposed lease purchase agreement in the principal amount of not-to-exceed \$54,455 for the purpose of acquiring equipment consisting of a Ford E-Transit Cargo Van 350 Electric Vehicle.
37. Items regarding Fourth Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area:

[\(Council Communication No. 21-504\)](#)

- (A) [Public](#) hearing and approval of the Fourth Restated Urban Revitalization Plan for Citywide Urban Revitalization Area.
  - (B) [First](#) consideration of an ordinance to amend Municipal Code Section 135-2.11, Figures 135-2.11-A, 135-2.11-B, 135-2.11-C, 135-2.11-D, and Tables 135-2.1-1 and 135-2.1-2, relating to Flat A and Flat B building types and regulations.
  - (C) [Final](#) consideration of ordinance above (waiver requested by Development Services Director), requires six votes.
38. [On](#) vacation of portions of Crocker Street, 12<sup>th</sup> Street and Keosauqua Way right-of-way adjoining 1201 Keosauqua Way and conveyance of a Permanent Easement for Building Encroachment – Door Swing to Aust Real Estate, LLC, \$5,760.
    - (A) [First](#) consideration of ordinance above.
  39. [On](#) amendment of lease of the Botanical Center to the Greater Des Moines Botanical Garden.



[\(Council Communication No. 21-494\)](#)

- (A) [Approval](#) of Third Amendment and Restated Urban Renewal Development Agreement with Greater Des Moines Botanical Center Garden.
  - (B) [Terminate](#) Robert D. Ray Asian Garden maintenance and repair agreement with Des Moines River Front Development Authority.
  - (C) [Termination](#) of Chapter 28E Agreement with Des Moines River Front Development Authority for planning, constructing, and maintaining riverfront facilities and improvements in the downtown area.
40. [On](#) Skywalk HVAC Replacement Phase 4: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsive, responsible bidder as Stein Heating & Cooling Inc. (Brian P. Stein, President), \$218,000.

[\(Council Communication No. 21-488\)](#)

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

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

**ORDINANCES - FIRST CONSIDERATION**

41. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation changes to increase the fine for parking trucks, trailers, and semi-trailers in residential districts.

[\(Council Communication No. 21-501\)](#)

42. [Amending](#) Sections 90-1, 90-2, 90-35, Article III, 90-61, 90-62, and adding Section 90-4, relating to approval of procurement and emergency procurement for the municipal housing agency.

- (A) [Final](#) consideration of ordinance above (waiver requested by Chris Johansen, Neighborhood Services Department Director), requires six votes.

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

- (A) Code Modification to designate a 25-mph maximum speed limit on Ingersoll Avenue from 42<sup>nd</sup> Street to 59<sup>th</sup> Street and modify parking restrictions due to the Ingersoll Avenue from 42<sup>nd</sup> Street to Polk Boulevard construction project.

[\(Council Communication No. 21-503\)](#)

44. [Amending](#) Municipal Code by adding Sections 2-71 and 2-1060, relating to cultural competency training for members of the council and members of boards and commissions.

[\(Council Communication No. 21-506\)](#)

45. [Amending](#) Sections 62-1, 62-42, 62-72, 62-103, 62-137 and adding Sections 62-136.1, Article VII, Sections 62-172, 62-173, and Article VII, Section 62-191, relating to additional power of the Human Rights Commission to engage in voluntary community mediation, additional human rights illegal discriminatory practices, and amended exemptions and definitions.

[\(Council Communication No. 21-506\)](#)

46. [Amending](#) Municipal Code of the City of Des Moines by adding Section 70-66.1, relating to false reports to or communications with public safety entities.

[\(Council Communication No. 21-506\)](#)

## COMMUNICATIONS/REPORTS

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

- (A) Paden Sheumaker.
- (B) Abby Bankes.
- (C) Carol Maher.
- (D) Adam Callanan.
- (E) Denver Foote.
- (F) Carrie Gosnell.
- (G) Dartanyan Brown.
- (H) Laural Clinton.
- (I) Deb Franklin
- (J) Bridget Pedersen.
- (K) Ruth Thompson.

## MOTION TO ADJOURN.

***The City of Des Moines is pleased to provide accommodations to disabled individuals or groups and encourages participation in City government. To better serve you, please notify us at least three business days in advance, when possible, at 515-283-4209, should special accommodations be required. Assistive Listening Devices are available for meetings in the City Council Chambers.***

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