

DES MOINES CITY COUNCIL MEETING
Municipal Service Center, MSC Board Room
1551 E. M.L. King Jr. Parkway
Des Moines, Iowa 50317

November 9, 2020
4:30 PM

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 October 16, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and further given Section 109 of the Governor's October 16, 2020 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, Council and Commission 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/94455567318?pwd=eS9USnErWTFpZkFLVERaRmlBYXB4Zz09>

Passcode: 277478

Or join by phone:

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US: +1 312 626 6799 or +1 720 928 9299 or

833 548 0276 (Toll Free) or 877 853 5257 (Toll Free)

Webinar ID: 944 5556 7318

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 51:

***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) | ALL PHO YOU | 4120 UNIVERSITY | B Beer |
| (B) | BREAKFAST CLUB | 212 E 3RD ST | C Liquor |
| (C) | CLUB 525 | 525 E GRAND AVE | C Liquor |
| (D) | GARDEN NIGHTCLUB | 112 SE 4TH ST | C Liquor |
| (E) | GIT N GO STORE #3 | 100 WATROUS AVE | C Beer |
| (F) | HOME2 SUITES | 2650 UNIVERSITY | B Liquor |

RENEWAL APPLICATIONS

| | | | |
|------|-------------------------|--------------------|-------------|
| (G) | ALDI INC #03 | 3940 E 14TH STREET | C Beer |
| (H) | ALDI INC #29 | 5512 SE 14TH ST | C Beer |
| (I) | ALDI INC #38 | 2543 E UNIVERSITY | C Beer |
| (J) | BORDENAROS PIZZA | 6108 SW 9TH ST | C Liquor |
| (K) | CASEYS #2892 | 6120 DOUGLAS AVE | B Beer |
| (L) | CENTERPLATE AT CUB CLUB | 1 LINE DR | C Liquor |
| (M) | CHIPOTLE MEXICAN GRILL | 3737 MERLE HAY RD | C Liquor |
| (N) | DISTRICT | 216 COURT AVE | C Liquor |
| (O) | ESTRADAS | 3029 MERLE HAY RD | C Liquor |
| (P) | EUROPA GROCERIES | 3839 MERLE HAY RD | C Beer |
| (Q) | FREMONT | 1030 E 9TH ST | C Liquor |
| (R) | GIT N GO STORE #19 | 890 COUNTY LINE | C Beer |
| (S) | GIT N GO STORE #6 | 5736 FRANKLIN AVE | C Beer |
| (T) | GYM | 2279 HUBBELL AVE | C Liquor |
| (U) | HOQ RESTAURANT | 303 E 5TH STREET | C Liquor |
| (V) | JEANNIES BOTTLE | 3839 MERLE HAY RD | C Liquor |
| (W) | JESSES EMBERS | 3301 INGERSOLL | C Liquor |
| (X) | KWIK STAR #1053 | 4105 HUBBELL AVE | C Beer |
| (Y) | MIYABI 9 | 512 E GRAND AVE | C Beer/Wine |
| (Z) | PURVEYOR | 505 E GRAND AVE | C Liquor |
| (AA) | QUIK TRIP #500 | 3700 HUBBELL AVE | E Liquor |
| (BB) | QUIK TRIP #534 | 2945 E UNIVERSITY | E Liquor |
| (CC) | QUIK TRIP #554 | 901 SW 63RD | E Liquor |
| (DD) | SAHOTA FOOD MART | 1805 SE 14TH ST | E Liquor |
| (EE) | TEEHEES COMEDY CLUB | 1433 WALNUT ST | C Liquor |

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [Bell Avenue](#) Reconstruction from SW 9th Street to SW 12th Street: Receiving of bids, (11-24-20), Setting date of hearing, (12-21-20). Engineer's estimate, \$490,000.

[\(Council Communication No. 20-489\)](#)

- (B) [2020 Grays Lake](#) Shoreline Repair: Receiving of bids, (11-24-20). Setting date of hearing, (12-21-20). Engineer's estimate, \$325,000.

[\(Council Communication No. 20-490\)](#)

- (C) [Intelligent](#) Transportation System Phase 1: Receiving of bids, (11-24-20), Setting date of hearing, (12-21-20). Engineer's estimate, \$1,385,500.

[\(Council Communication No. 20-494\)](#)

7. [Approving](#) Professional Services Agreement (PSA) with Bolton & Menk, Inc. for design services for the 12th Street and Downtown Bump outs Improvement Project, not to exceed \$118,016.

[\(Council Communication No. 20-483\)](#)

8. [Approving](#) Change Order No. 6 with Jasper Construction Services, Inc. for additional work on Ingersoll Avenue Streetscape from M.L. King Jr. Parkway to 24th Street (north side), \$99,509.50.

[\(Council Communication No. 20-493\)](#)

9. Approving Private Construction Contracts between the following:

- (A) [The Underground Company](#), Ltd. and Dr. Horton – Iowa, LLC for Storm Sewer Improvements in the Woods at Copper Creek Plat 5.

- (B) [The Underground Company](#), Ltd. and Dr. Horton – Iowa, LLC for Sanitary Sewer Improvements in the Woods at Copper Creek Plat 5.

- (C) [Country Landscapes](#) and Des Moines Riverfront Development Authority for Robert D. Ray Asian Gardens – Paving and other improvements in Robert D. Ray Drive.

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) [S.E. 30th](#) and Scott Avenue Detention Basin, Elder Corporation.
 - (B) [2019-2020](#) HMA Pavement Scarification and Resurfacing, InRoads, LLC.
 - (C) [Lower](#) Oak and Highland Park Sewer Separation Phase 1, Rognes, Corp. d/b/a Rognes Corporation.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2020-09.

LAND/PROPERTY TRANSACTIONS

13. [Authorization](#) to proceed with acquisition of the necessary property interests for the Des Moines River Levee Alterations – Phase B and C Project.

[\(Council Communication No. 20-485\)](#)

14. [Authorization](#) to proceed with acquisition of the necessary property interests for the Western Ingersoll Run Sewer Separation Project.

[\(Council Communication No. 20-486\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Greater](#) Des Moines Sister Cities' Commission Annual Report for fiscal year ending June 30, 2020.
16. [Communication](#) from Spencer Burton advising of his resignation from the Neighborhood Revitalization Board, Seat 13, effectively immediately.
17. [Communication](#) from Bob Raker advising of his resignation from the Housing Appeals Board, Seat 4, effective immediately.

18. [Recommendation](#) of Des Moines Public Schools Board of Directors to appoint Kalyn Cody to the Parks and Recreation Board, Seat 15, for a term expiring June 30, 2024.

SETTING DATE OF HEARINGS

19. [On](#) request from Quik Trip Corporation (Jessica Glava, Officer) to rezone property at 1421 Ingersoll Avenue from “MX2” Mixed Use District to “MX3” Mixed Use District to allow the existing 4,008-square foot fuel station with 10 fueling locations the ability to request a Conditional Use for a business that sells alcoholic liquor, (11-23-20).
20. [On](#) request from Fareway Stores, Inc. (Koby Pritchard, Officer) to rezone property at 2716 Beaver Avenue from “MX1” Mixed Use District to “MX3” Mixed Use District to allow redevelopment of the property with a 7,759-square foot Retail Sales, Limited use with the ability to request a Conditional Use for a business that sells alcoholic liquor, (11-23-20).
21. [On](#) request from Highland Park Apartments, LLC (Tim Bratvold, Officer) to amend the PlanDSM Creating Our Tomorrow Plan future land use designation from Low Medium Density Residential within a Neighborhood Node to High Density Residential within a Neighborhood Node and to rezone property at 622 Euclid Avenue from “NX1” Neighborhood Mix District to “NX2” Neighborhood Mix District to allow the existing multiple-household dwelling to be used for 10 household living units, (11-23-20).
22. [On](#) requests from Drake University (Michelle Huggins, Officer) for the following in the vicinity of 2421 Forest Avenue to amend the PlanDSM Creating Our Tomorrow Comprehensive Plan future land use designation from Neighborhood Mixed Use and Low Density Residential to Public/Semi-Public; Amend the Drake University Recreation PUD Conceptual Plan to remove approximately 2.84 acres to be rezoned to “P2” Public, Institutional and Civic District; and rezone property from “PUD” Planned Unit Development District, “RX1” Mixed Use District and “N5” Neighborhood District to “P2” Public, Institutional and Civic District and vacation of 25th Street between Clark and Forest to allow for development of a 4,000-seat multi-purpose stadium to be jointly operated for the Des Moines Public Schools use for athletic competition, (11-23-20).
23. [On](#) vacation of the east/west alley right-of-way located north of and adjoining 809 Virginia Avenue, and for vacation of the north/south alley right-of-way located west of and adjoining 809 Virginia Avenue, and conveyance to Diana Ancell, \$200, (11-23-20).
24. [On](#) conveyance of City-owned property located at 919 E. 9th Street to Home Inc. (Home Opportunities Made Easy, Inc.) for redevelopment of housing, (11-23-20).

[\(Council Communication No. 20-474\)](#)

25. [To](#) correct the conditions of a Limited “11” zoning approved pursuant to Ordinance No. 15,930 on October 5, 2020 regarding property located at 2025 East Grand Avenue. The original zoning request was submitted by Lil Brother Construction, LLC (purchaser), (Jean Jones, Officer). The subject property was owned by Cypress Properties, LLC, (11-23-20).
26. [On](#) request from Des Moines Cold Storage (Owner)(C.J. Morton, Officer) for review and approval of an amendment to the to the previously approved PUD Final Development Plan for the “Phase IA of Des Moines Cold Storage” for property located at 3805 Vandalia Road, to allow 62,680 square-foot addition to the existing refrigerated warehouse building, with waiver of the previously approved installation of public sidewalk along the Vandalia Road frontage, (11-23-20).
27. [On](#) request from Blank Park Zoo Foundation, Inc. (Anne Shimerdla, Officer) for the Third Amendment to the Blank Park Zoo PUD Conceptual Plan to allow for addition of a new restroom and concession building with plaza within Area “A”; and the PUD Final Development Plan for “GoGo Plaza” to allow development of a 1,504-square foot concession and restroom building and surrounding plaza area at 7401 Southwest 9th Street, (11-23-20).
28. [On](#) amendment to the 2019 Action Plan for the U.S. Department of Housing and Urban Development (HUD) 2015-2019 Consolidated Plan, (11-23-20).
29. [On](#) amendment to Donation and Concession Agreement for Riverview Park Concession with Parks Area Foundation, (11-23-20).

[\(Council Communication No. 20-480\)](#)

30. [On](#) the proposed Twenty-Seventh Amendment to the Metro Center Urban Renewal Plan, (12-21-20).

[\(Council Communication No. 20-482\)](#)

- 30I. [On](#) the proposition to authorize and enter into a lease agreement in the principal amount not-to-exceed \$130,000, for the purpose of acquiring certain items of equipment for winter snow removal consisting of three motor graders and one bulldozer, (11-23-20).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

31. [Approving](#) payment for the property damage claim of MidAmerican Energy.
32. [Approving](#) payment to Robert and Kristen Gostomski for a property damage claim.

- 33. [Approving](#) payment to Michaela Pratt for a property claim.
- 34. [Approving](#) payment to Eric Akkerman for a workers' compensation claim.

APPROVING

- 35. [Home](#) Investment Partnerships Program (HOME) funding for Greater Des Moines Habitat for Humanity to construct affordable single homes (1509 E. 36th Ct. and 1535 E. 19th St.).

[\(Council Communication No. 20-473\)](#)

- 36. [Final](#) terms of an Urban Renewal Development Agreement with JR Partners, LLC for the historic renovation of 401 East Court Avenue.

[\(Council Communication No. 20-487\)](#)

- 37. [Second](#) Amendment to agreement with Astilbe Morning, LLC for property located at 1124 13th Street and 1311 Laurel Street to allow extension of time for completion of project.

[\(Council Communication No. 20-481\)](#)

- 38. Number not used.

- 39. [Approval](#) of agreement with Des Moines Water Works regarding flash boards on the Des Moines River near the Center Street Dam.

[\(Council Communication No. 20-477\)](#)

- 40. [Cooperative](#) Public Service Agreement between Polk County and the Central Iowa Watershed Management Authorities for the funding of a Watershed Coordinator position.

[\(Council Communication No. 20-471\)](#)

- 41. [Approval](#) of Assignment of Maintenance Agreement for athletic turf facilities from Iowa Cubs Sports Turf Management, Inc. to Musco Sports Lighting, LLC.

[\(Council Communication No. 20-478\)](#)

- 42. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for Iowa Volkswagen Settlement Environmental Mitigation Trust Project: 3rd & Court and 5th & Keo Parking Garages.

[\(Council Communication No. 20-484\)](#)

- (A) [Purchase](#) from Carbon Day Automotive (Brad Emalfarb, CEO) and Commonwealth Electric Company (Michael Price, President) of four (4) Level 2 electric vehicle charging stations to be installed in the 3rd & Court and 5th & Keo parking garages per State of Iowa contracts for use by the Engineering Department, total \$105,867.66.

- 43. [Agreement](#) with Iowa Department of Transportation for Iowa's Volkswagen Settlement Environmental Mitigation Trust Program for reimbursement funds for City fleet vehicles and equipment replacements.

[\(Council Communication No. 20-472\)](#)

- 44. [Request](#) from Downtown Community Alliance, on behalf of Iowa Credit Union League, for approval of up to 71 banners on banner poles in the downtown Des Moines beginning the first week of January through the first week of April 2021.

- 45. Release of fire escrow at the following locations:

- (A) [2920 Columbia Street](#).
- (B) [2202 E Walnut Street](#).
- (C) [1186 13th Street](#).

- 46. Abatement of public nuisances at the following:

- (A) [604 Leland Avenue](#) (garage structure).
- (B) [4030 29th Street](#) (main structure).

- 47. [Purchase](#) from Interstate Power Systems (Travis Penrod, President) for an annual contract with three (3) additional one-year renewal options to furnish standby generator maintenance and repair services at various City-wide locations, estimated annual cost \$56,000.

[\(Council Communication No. 20-476\)](#)

- 48. [Fund transfer](#) resolution of the City of Des Moines for fiscal year 2021.

49. [Receive](#) and file Quarterly Treasurer's Report as of September 30, 2020.
50. [Civil Service](#) Entrance Lists for Truck Driver, Fire Fighter, Parks and Recreation Customer Service Representative and Fleet Services Serviceperson and Promotional List for Senior Police Officer.
51. [Authorizing](#) Finance Director to draw checks registers for the weeks of November 9 and 16, 2020; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 9 and 16, 2020; to draw checks for biweekly payroll due November 20, 2020.

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

ORDINANCES - FIRST CONSIDERATION

52. [Amending](#) Chapter 46 of the Municipal Code relating to high rise buildings.
- (A) [Final consideration](#) of ordinance above (waiver requested by City Manager), requires six votes.
53. [Amending](#) Ordinance No. 15,423 establishing the Iowa Convention and Entertainment Reinvestment District pursuant to Iowa Code Chapter 15J to amend the boundaries of the district and include two additional non-IRA revenue funded district projects.

[\(Council Communication No. 20-497\)](#)

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

COMMUNICATIONS/REPORTS

54. Requests to speak as follows:
- (A) [Max Tensen](#) regarding the militant actions of the Des Moines Police Department.
- (B) [Adam Callanan](#) regarding City Council Rules.
- (C) [James Grimm](#) regarding Des Moines Police use of pretextual stops as a means of harassment of non-white people.

- ~~(D) [Mark White](#) regarding no police, no peace billboards.~~
- ~~(E) [Erin Gill](#) regarding reallocation of city budget for mental health services and housing for homeless Iowans.~~
- (F) [Stacey Jolliffe](#) regarding street parking.
- (G) [Beth Ann Goedken](#) request to speak regarding contract for City parks mowing not being fulfilled by company.
- (H) [Hem Rizal](#) regarding School Resource Officers.
- (I) [Lenin Cardwell](#) regarding time given to individuals to speak during council meetings.
- (J) [Jaylen Cavil](#) request to speak regarding injustice in Des Moines.
- (K) [Molly Arndt](#) regarding democracy and public comment at City Council meetings.
- (L) [Paxton Gillespie](#) regarding the Des Moines Police Department.
- (M) [Ava Auen-Ryan](#) regarding community engagement at City Council meetings.
- (N) [Emily Ewing](#) regarding time allotted for public comment.
- (O) [Miranda Wilson](#) regarding expanding public comment time.
- (P) [Jason Grobe](#) regarding community input for Des Moines City Council.
- (Q) [Lillian Nellans](#) regarding making sure community voices are heard.
- (R) [Emily Burress](#) regarding City Council's abrupt rule changes.
- (S) [Chelsea Chism-Vargas](#) regarding best ways for city staff to support Des Moines residents.
- (T) [Paden Sheumaker](#) regarding Power of the People.
- (U) [Randy Sheumaker](#) regarding support for Des Moines youth activists and their demands including extended speaking time.
- (V) [Joselyn Hildebrand](#) regarding removal of School Resource Officers in the Des Moines Public Schools.
- (W) [Alyssa Huesgen](#) regarding City Council's refusal to give community adequate time for public comment.

- (X) [Giovanni Bahena](#) regarding constituent speaking time.
- (Y) [Josh Cook](#) regarding disappointment in lack of attention and sincerity on behalf of the people the City Council serves.
- (Z) [Denver Foote](#) regarding community input.

APPROVING

- 55. [Agreement](#) with Central Iowa Water Trails, LLC regarding proposed impact to City levee as part of the Central Iowa Water Trails Project.

([Council Communication No. 20-475](#))

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 56 THRU 64)

- 56. [On request](#) from Casey's Marketing Company (Erik Nikkel, Agent) to amend the PlanDSM Creating our Tomorrow Comprehensive Plan from Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node and to rezone property at 3121 Forest Avenue from "MX1" Mixed Use District to "MX3" Mixed Use District to allow redevelopment of the site with a 3,400-square foot store for retail sales, limited use with the ability to request a Conditional Use for a business that sells alcoholic liquor.
 - (A) [First consideration](#) of ordinance above.
 - (B) [Final consideration](#) of ordinance above (waiver requested by Abbey Gilroy, Executive Director, Neighborhood Development Corporation, Property Owner), requires six votes.
- 57. [On vacation](#) of a segment of University Avenue right-of-way adjoining 2650 University Avenue and conveyance of a permanent easement for building encroachment – door swing to Hotel Francis, LLC, \$100.
 - (A) [First](#) consideration of ordinance above.
 - (B) Final consideration of ordinance above, requires six votes.

58. [On conveyance](#) of vacated Southeast 24th Street right-of-way located west and adjoining 2400 Evergreen Avenue in exchange for a temporary easement to Donald Davidson and Sandra Davidson.

([Council Communication No. 20-495](#))

60. [On proposed](#) 2021 Action Plan for the U.S. Department of Housing and Urban Development (HUD) 2020-2024 Consolidated Plan.

([Council Communication No. 20-498](#))

61. [On the proposed](#) First Amendment to the Urban Renewal Development Plan for the 38th and Grand Urban Renewal Area.

([Council Communication No. 20-488](#))

62. [On the proposed](#) Seventh Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area.

([Council Communication No. 20-492](#))

63. [On the proposed](#) Fifth Amendment to the Urban Renewal Plan for the Southside Economic Development District Urban Renewal Area.

([Council Communication No. 20-496](#))

64. [On the proposed](#) Seventeenth Amendment to the Central Place Industrial Park Redevelopment Urban Renewal Plan.

([Council Communication No. 20-491](#))

*** END OF HEARINGS AT _____ PM ***

MOTION TO ADJOURN.

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