

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

October 18, 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.

1. ROLL CALL:

- I [Amending](#) the Procedural Rules of the Des Moines City Council. Sponsors: Mayor Cownie and Council Member Westergaard.

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

3. APPROVING CONSENT AGENDA * – items 3 through 40:

***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.

Members of the public may request via email, written mail, or other writing to the City Clerk to remove any single item by 3:00 pm on the day of the Council meeting, which Council may remove upon majority vote, but no oral requests may be made at the meeting

LICENSES AND PERMITS

4. [Approving](#) Alcoholic Beverage License Applications for the following:

RENEWAL APPLICATIONS

(A)	85 BAR	432 E LOCUST ST	Class C Liquor
(B)	AC HOTEL/REPUBLIC	401 E GRAND AVE	Class B Liquor
(C)	AMERICAN LEGION HISPANIC	1501 SOUTH UNION ST	Class B Beer
(D)	BARTENDERS HANDSHAKE	3615 INGERSOLL AVE	Class C Liquor
(E)	BLAZING SADDLE	416 E 5TH ST	Class C Beer
(F)	BORDENAROS PIZZA INC	6108 SW 9TH ST	Class C Liquor
(G)	CASEYS GENERAL STORE #2921	3725 BEAVER AVE	Class C Beer
(H)	CASEYS GENERAL STORE #2922	3501 E 14TH ST	Class C Beer
(I)	CENTRAL CITY 2	1501 MICHIGAN ST	Class E Liquor
(J)	CHEESE SHOP OF DES MOINES	833 42ND ST #B	Special Class C Liquor
(K)	CVS PHARMACY #10161	215 EUCLID AVE	Class E Liquor
(L)	EL RINCON CATRACHO 2	910 HULL AVE	Class C Liquor
(M)	FAMILY PANTRY	4538 LOWER BEAVER RD	Class E Liquor
(N)	FLEUR CINEMA & CAFE	4545 FLEUR DR	Special Class C Liquor
(O)	FUZZYS TACO SHOP	300 W MLK JR PKWY #120	Class C Liquor
(P)	GIT N GO #3	100 WATROUS AVE	Class C Beer
(Q)	GIT N GO #33	865 42ND ST	Class C Beer
(R)	HABANEROS MEXICAN	3200 FOREST AVE	Class C Liquor
(S)	HYATT PLACE	418 6TH AVE	Class B Liquor
(T)	KUM & GO #535	4960 E BROADWAY AVE	Class E Liquor
(U)	OASIS	630 SW 9TH ST	Class E Liquor
(V)	OH SUSHI	2815 BEAVER AVE #101	Special Class C Liquor
(W)	OLD WEST MEXICAN	4138 FLEUR DR	Class C Liquor
(X)	QUIK TRIP #530	1424 E EUCLID AVE	Class E Liquor
(Y)	QUIK TRIP #559	4021 FLEUR DR	Class E Liquor
(Z)	RENAISSANCE DES MOINES	401 LOCUST ST	Class B Liquor
(AA)	RIVER CENTER	320 W MLK JR PKWY 140	Class C Liquor
(BB)	STUFFED OLIVE & VODOO	208 3RD ST	Class C Liquor
(CC)	SURETY HOTEL	206 6TH AVE FLOORS 1 & 2	Class B Liquor
(DD)	TOBACCO HUT	5714 HICKMAN RD	Class C Beer
(EE)	TRELLIS CAFE	909 ROBERT D RAY DR	Class C Liquor
(FF)	WALNUT	1417 WALNUT ST #A	Class C Liquor

SPECIAL EVENT APPLICATIONS

- (GG) DES MOINES EMBASSY CLUB 100 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR AN EVENT ON NOVEMBER 5, 2021.
- (HH) YOUR PRIVATE BAR 504 E LOCUST ST 3RD FLOOR 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING RECEPTION ON OCTOBER 31, 2021.

OUTDOOR SERVICE APPLICATION

- (II) VETERANS MEMORIAL 833 5TH AVE CLASS C Liquor
TEMPORARY FOR IOWA WILDS TAILGATE PARTY ON OCTOBER 23, 2021.

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:
- (A) [Ashworth](#) Pool and Northwest Pool Painting Improvements –Receiving of bids (11-2-21), Setting date of hearing (12-6-21), Engineer’s estimate, \$200,000.

([Council Communication No. 21-443](#))
- (B) [Evergreen](#) Avenue Rehabilitation from Marion Street to SE 30th Court: Receiving of bids (11-2-21), Setting date of hearing (12-6-21), Engineer’s estimate, \$500,000.

([Council Communication No. 21-450](#))
6. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement (PSA) with CDM Smith, Inc. for additional professional services for Phase 2 of the City-Wide Stormwater Master Plan Study, not to exceed \$566,592.

([Council Communication No. 21-445](#))
7. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement (PSA) with MA Architecture, Inc. for additional design and construction administration services for the Greenhouse Relocation, not to exceed \$201,110.

([Council Communication No. 21-451](#))
8. [Approving](#) exception to Request for Proposal process for good cause and approving Professional Services Agreement with Veenstra & Kimm, Inc. for design services for Market District Stormwater Improvements, not to exceed \$818,794.

([Council Communication No. 21-453](#))
9. [Approving](#) Private Construction Contract between Ball Team, LLC and Fareway Stores, Inc. for Paving and Storm Sewer Improvements in 2716 Beaver Avenue.

10. Approving completion and acceptance of private construction contracts for the following:

- (A) [Paving](#) Improvements, 401 SE 6th Street, between Jordison Construction, Inc. and Connolly Lofts Associates, LP.
- (B) [Paving](#) Improvements in Brook Landing Plat 2, between Alliance Construction Group, LLC and Brook Landing, LLC.
- (C) [Paving](#) and other Improvements in Robert D. Ray Asian Gardens between Country Landscapes, Inc. and Des Moines Riverfront Development Authority.
- (D) [Paving](#) Improvements, 900 Keosauqua Way, between Absolute Solutions, Inc. and Mainframe Studios.
- (E) [Paving](#) Improvements in Grover Woods Plat 1, between Sternquist Construction Inc. and HRC Grover Woods, LLC.
- (F) [Traffic](#) Signal Improvements, 1000 Walnut Street, between Van Maanen Electric, Inc. and Janssen Lodging, Inc.
- (G) [Paving](#) Improvements in Three Lakes Estates Plat 7, between Legacy Excavation, LLC and J. Larson Homes, LLC.

LAND/PROPERTY TRANSACTIONS

11. [Conditionally](#) approving Three Lakes Estates Outlots Plat 1 final plat.

[\(Council Communication No. 21-427\)](#)

12. [Authorization](#) to proceed with acquisition of the necessary property interests for the 2022 Neighborhood Sidewalk Program.

[\(Council Communication No. 21-444\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

13. [Communication](#) from Anne Pham advising of her resignation from the Transportation Safety Committee, Seat 4, effective immediately.

- 13I. [Approving](#) appointment of City Manager Jim Sanders as the Primary Representative and Mayor Paula Dierenfeld as the Alternate Representative to the Greater Des Moines Sister Cities Commission for the City of Johnston effective October 1, 2021.

COMMUNICATIONS FROM PLANNING AND ZONING

14. [Regarding](#) request from Drake University for vacation of east/west alley right-of-way in the vicinity of 2900 University Avenue.

SETTING DATE OF HEARINGS

15. ~~[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 Fareway Stores, Inc. for \$133,200, (11-1-21).~~
16. [On](#) request from Gustavo Carrillo Carrillo (owner), for property in the vicinity of 1040 East County Line Road to rezone the property from NM Neighborhood District to NX2 Neighborhood Mix District, to allow construction of a one-household residential dwelling, (11-1-21).
17. [On](#) request from Smokers Genie II, LLC (Kuljit Chauhan, Officer) to rezone 3733 Easton Boulevard from MX1 Mixed Use District to MX2 Mixed Use District to allow reuse of the property for a fuel station use with wine and beer sales through the Conditional Use approval process, (11-1-21).
18. [On](#) request from Greater Des Moines Botanical Garden (Kimberly Perez, Officer) to amend the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Park/Open Space to Public/Semi-Public, and to rezone 909 Robert D. Ray Drive from P1 Public, Civic, and Institutional District to P2 Public, Civic, and Institutional District, to allow site modifications, (11-1-21).
19. [On](#) request from David Griffith (Owner) to amend the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Business Park Use to Low Density Residential, and to rezone the property located at 1626 Buchanan Street, from EX Mixed Use District to NX1 Neighborhood Mix District to allow development of the property for a residential use, (11-1-21).
20. [On](#) the proposed Douglas Avenue Urban Renewal Area, (12-6-21).

[\(Council Communication No. 21-460\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. [Approving](#) payment for the claim of Kashmira Patel.
22. [Approving](#) payment for the claim of Alvaro Ceballos and Araceli Rodriguez.
23. [Retention](#) of Outside Counsel to act as guardian ad litem.

APPROVING

24. [2021](#) Continuum of Care (CoC) Grant Program application to the US Department of Housing and Urban Development (HUD).

[\(Council Communication No. 21-434\)](#)

25. [\\$125,000](#) in Community Development Block Grant (CDGB) Funds for Predevelopment costs and structural repairs including foundation and masonry repairs at Casa Vista, 3940 University Avenue.

[\(Council Communication No. 21-455\)](#)

26. [2021](#) Home Investment Partnerships Program Supplemental Funding, as authorized under the American Rescue Plan (HOME-ARP), Grant Agreement with U.S. Department of Housing and Urban Development (HUD).

[\(Council Communication No. 21-446\)](#)

27. [Preliminary](#) terms of an Urban Renewal Development Agreement with PDM Precast, Inc. (PDM), for expansion of industrial precast production plant located at 3312 E. Granger Avenue.

[\(Council Communication No. 21-459\)](#)

28. [Revised](#) and updated Memorandum of Understanding (MOU) to support the Central Iowa Code Consortium (CICC).

[\(Council Communication No. 21-428\)](#)

29. [Agreement](#) with Des Moines Water Works (DMWW) regarding flashboards on the Des Moines River near the Center Street Dam.

[\(Council Communication No. 21-430\)](#)

30. [Agreement](#) with Waukee Community School District regarding Aspiring Professional Experience (APEX) student volunteers for park projects.

([Council Communication No. 21-438](#))

31. [Joint](#) Agreement allowing Polk County to proceed with amending the Norwoodville Urban Renewal Plan for the Norwoodville Urban Renewal Area that is located within two (2) miles of the City of Des Moines.

([Council Communication No. 21-442](#))

32. [Request](#) for outdoor special event (Knock and Drop Iowa fundraiser) in accordance with "Franklin Junior High School" Planned Unit Development (PUD) conceptual plan for property at 4801 Franklin Avenue.

([Council Communication No. 21-429](#))

33. [Acceptance](#) of Homeland Security Weapons of Mass Destruction and Explosive Ordnance Detection 2021 Grant Awards.

([Council Communication No. 21-435](#))

34. [Receive](#) and file Quarterly Treasurer's Report as of September 30, 2021.

35. [Amended](#) schedule of fees for cemeteries under Chapter 34 of the City Code, effective January 1, 2022.

([Council Communication No. 21-433](#))

36. [City](#) Council meeting schedule for 2022.

37. [Purchase](#) from L & K Services (Khai Nguyen, Owner) of auto body repair services including labor and parts for the repair of City vehicles in various departments per State of Iowa contract, \$150,000.

([Council Communication No. 21-437](#))

38. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 18 and 25, 2021; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 18 and 25, 2021; to draw checks for biweekly payroll due October 22, 2021.

ORDINANCES - SECOND CONSIDERATION

39. [Amending](#) Sections 114-1618, 114-1647 and 114-1692, relating to snow routes.
40. [Amending](#) the Municipal Code adding Chapter 18, Article VII, Sections 18-215, 18-216, 18-217, and 18-218, relating to feeding of deer and waterfowl.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 41 THRU 56)

41. [On](#) conveyance of vacated north-south alley right-of-way located west of and adjoining 4104 Amherst Street to True Bible Baptist Church as part of the Hamilton Drain Storm Sewer Improvements Project.
42. [On](#) vacation of a portion of Cohen Park located north of and adjoining 1106 Scott Avenue and approval of a land exchange agreement with Des Moines Climate Controlled Self Storage, LLC.

([Council Communication No. 21-447](#))

- (A) [First](#) consideration of ordinance above.
43. [On](#) vacation of parkland adjacent to Waveland Golf Course located south of and adjoining University Avenue.
- (A) [First](#) consideration of ordinance above.
44. [On](#) vacation of the north-south alley right-of-way located west of and adjoining 1010 13th Street and conveyance to JOPPA Cheatom Park, LLC for \$25.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by JOPPA), requires six votes.
45. [On](#) issuance of a corrected quit claim deed conveying 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.

46. [Dismissing](#) hearing on the competitive bid process for sale and redevelopment of 503 SE 12th Street in the Metro Center Urban Renewal Project Area, and redevelopment proposal from Des Moines Climate Controlled Self Storage, LLC (Mark Bockenstedt, Owner).
(Continued from September 13, 2021 Council Meeting).

[\(Council Communication No. 21-436\)](#)

47. [On](#) request from MidAmerican Energy Company (Ryan Stansbury, Officer) for property located at 2399 East County Line Road (along south side of East County Line Road in Warren County), to amend the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Business Park to Industrial, and to rezone the property from EX-V Mixed Use District to I2 Industrial District, to allow modification of the existing electrical utility service center and to allow for request of a Conditional Use from the Zoning Board of Adjustment for above-ground storage of flammable liquids, which is interpreted as an Intensive Fabrication and Production use, and for a Junk and Salvage Yard use.

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

48. [On](#) request from MidAmerican Energy Company (Ryan Stansbury, Officer) for property located in the vicinity of 2400 East County Line Road (along north side of East County Line Road in Polk County), to amend the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Business Park, and to rezone the property from N2b Neighborhood District to EX Mixed Use District, to allow the property to be developed for a Storage, Distribution, and Wholesaling Use (data center/warehouse) and Office use.

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

49. [On](#) request from Israel Chavez for property located at 1209 East 16th Street to rezone the property from MX-1 Mixed Use District to N3a Neighborhood District to allow construction of a one-household dwelling.

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

(B) [Final](#) consideration of ordinance above (waiver requested by Israel Chavez, Owner), requires six votes.

50. [On](#) request from Kenyon Hill Ridge, LLC (Dean Quirk, Officer) for review and approval of 1st Amendment to the Ruby Rose Ridge PUD Conceptual Plan, for property located in the vicinity of 2401 East 50th Court to allow development of a 6.27-acre Area C with approximately 65 housing units within approximately 11 rowhouse residential structures.

51. [On](#) request from NMDP Holdings, LLC (Adam Petersen, President) for property located at 3312 East Granger Avenue, to amend the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Business Park to Industrial, and to rezone the property from EX Mixed Use District to I2 Industrial District to allow an expansion of existing operations,

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

52. Items related to the redevelopment of the Crescent Chevrolet Building as follows:

(A) [First](#) consideration of ordinance vacating segments of 16th Street right-of-way and Linden Street right-of-way, generally bound by High Street and Ingersoll Ave and 15th Street and 17th Street.

(B) [Final](#) consideration of ordinance above (waiver requested by Erin Olson-Douglas, Development Services Director), requires six votes.

(C) [Hearing](#) on the competitive process for sale of land and redevelopment of the Crescent Chevrolet Building in the Metro Center Urban Renewal Project Area and redevelopment proposal from the Krause+ Affiliate KG Store 543, LLC.

[\(Council Communication No. 21-457\)](#)

53. [On](#) the proposition to authorize a loan agreement in the principal amount not to exceed \$534,000, for the purpose of purchasing certain taser certification bundle equipment and materials.

[\(Council Communication No. 21-456\)](#)

54. [On](#) the proposition to authorize a loan agreement in the principal amount not to exceed \$1,760,000 for the purpose of purchasing certain body-worn camera equipment and related services.

[\(Council Communication No. 21-441\)](#)

55. [On](#) Hamilton Drain Storm Water Improvements Phase 2: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsive, responsible bidder as RW Excavating Solutions, LC (Dan E. Wilson, Managing Member), \$6,196,268.70.

([Council Communication No. 21-452](#))

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

56. [Dismissing](#) hearing on approval of plans, specifications, form of contract, and engineer's estimate on the Greenhouse Facility Structure Improvement due to no bids being received.

([Council Communication No. 21-448](#))

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

ORDINANCES - FIRST CONSIDERATION

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

([Council Communication No. 21-454](#))

- (A) Code correction – Locust Street between 5th Avenue and 6th Avenue.
- (B) Parking modification – E 7th Street between Fremont Street and Buchanan Street.
- (C) Code correction – addition of the intersection of 6th Avenue and University Avenue to the section relating to pedestrian safety and use of medians.
- (D) Code correction – E Bell Avenue between SE 5th Street and King Avenue.
- (E) Code correction – 12th Avenue between Grand Avenue and Locust Street.

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

([Council Communication No. 21-431](#))

59. [Amending](#) Section 34-203, relating for disturbing flowers, trees, and animal life in cemeteries.

([Council Communication No. 21-433](#))

60. [Approving](#) the installation of an all-way stop control at the intersection of E. 5th Street and E. Grand Avenue.

([Council Communication No. 21-449](#))

- (A) [Amending](#) Sections 114-319.03 and 114-3270, relating to four-way stop control.
- (B) [Final](#) consideration of ordinance above (waiver requested by Council Members Voss and Gatto), requires six votes.

61. [Amending](#) Chapter 42, Article VI, Sections 42-246 and 42-258, relating to noise regulations.

([Council Communication No. 21-440](#))

62. [Amending](#) Chapter 26 of the Municipal Code to adopt by reference the 2021 editions of the State Mechanical Code; State Plumbing Code; National Fuel Gas Code and the 2017 edition of Liquefied Petroleum Gas Code.

([Council Communication No. 21-458](#))

COMMUNICATIONS/REPORTS

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

- (A) Carol Maher.
- (B) Adam Callanan.
- (C) Kavya Parsa.
- (D) Bridget Pedersen.
- (E) David Prince.
- (F) Deb Franklin.
- (G) Lori Ann Young.
- (H) Iris Olivares.

MOTION TO ADJOURN.

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