

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

**October 4, 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.

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

Fire Prevention Week

Energy Efficiency Day

LBS 100<sup>th</sup> Anniversary Day

National Coming Out Day

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.**

**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:

**NEW APPLICATION**

(A) LUCKY LOTUS	2721 INGERSOLL AVE	Class C Liquor
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**RENEWAL APPLICATIONS**

(B) ANGRY GOLDFISH	2301 SW 9TH ST	Class C Liquor
(C) ARAMARK @ NATIONWIDE	1100 LOCUST ST	Class C Liquor
(D) BEER CAN ALLEY/EXCHANGE	216 COURT AVE #301-2	Class C Liquor
(E) BEST FOOD MART	4028 E 14TH ST	Class C Beer
(F) CAPTAIN ROYS	1900 SAYLOR RD	Class C Liquor
(G) CHUMMY	216 COURT AVE #102	Class C Liquor
(H) CLYDES FINE DINER	111 E GRAND AVE #111	Class C Liquor
(I) DOLLAR GENERAL #21054	2309 E 42ND ST	Class C Beer
(J) DRAKE DINER	1111 25TH ST	Class C Liquor
(K) DSM FOOD MART	2829 EASTON BLVD	Class C Beer
(L) EAST VILLAGE PANTRY	333 E GRAND AVE #104	Class E Liquor

(M) EL AGUILA REAL MEXICAN	4351 MERLE HAY RD	Class C Liquor
(N) EUREST DINING SERVICES	1331 GRAND AVE	Class C Liquor
(O) EVEREST GROCERY STORE	5000 SW 9TH ST	Class C Beer
(P) FAIRFIELD INN & SUITES	207 CROCKER ST	Class B Liquor
(Q) G T RACE CAR BAR	3013 INGERSOLL AVE	Class C Liquor
(R) GOODSONS	2815 BEAVER AVE 102	Class C Liquor
(S) LUA BREWING	1525 HIGH ST	Class B Beer
(T) PLAYERS SPORTS BAR & GRILL	1760 BEAVER AVE	Class C Liquor
(U) SORIANO LATINO GROCERY	2300 HICKMAN RD	Class C Beer
(V) TONIC ON COURT	210 COURT AVE	Class C Liquor
(W) WAVELAND COFFEE SHOP	4704 UNIVERSITY AVE	Class C Liquor
(X) XBK	1159 24TH ST #A	Class C Beer

### SPECIAL EVENT APPLICATIONS

- (Y) FOOD WITH FLAIR INC                      519 PARK ST                      5 days  
CLASS C LIQUOR LICENSE FOR AN EVENT ON OCTOBER 9, 2021.
- (Z) ROYAL MILE, THE                      210 4TH ST (ALLEY)                      5 days  
CLASS B BEER LICENSE FOR IMT DES MOINES MARATHON ON OCTOBER 17, 2021.

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

### PUBLIC IMPROVEMENTS

6. [Ordering](#) construction of Skywalk HVAC Replacement Phase 4: Receiving of bids (10-19-21), and Setting date of hearing, (11-15-21), Engineer’s estimate, \$150,000.

[\(Council Communication No. 21-406\)](#)

7. [Approve](#) and authorize addendum to Iowa Department of Transportation (IDOT) Agreement 2020-R-014 for a Revitalize Iowa’s Sound Economy (RISE) Project and related agreement between the City of Des Moines and Des Moines Airport Authority for the Cowles Drive Reconstruction Program (Phases 2 and 3) at the Des Moines International Airport.

[\(Council Communication No. 21-415\)](#)

8. [Endorsing](#) the Broadway Avenue – 2<sup>nd</sup> Avenue to Hubbell Avenue Project as part of an Iowa Clean Air Attainment Program (ICAAP) Grant Application.

[\(Council Communication No. 21-404\)](#)

9. [Ratifying](#) and Approving submission of the Iowa Clean Air Attainment Program (ICAAP) Funding Application to the Iowa Department of Transportation (IDOT) for the Traffic Signal System Timing Update – Phase 5.

[\(Council Communication No. 21-423\)](#)

10. [Approving](#) Supplemental Agreement No. 3 to the Professional Services Agreement (PSA) with Kirkham Michael & Associates, Inc. for additional final design services for the Southeast Connector – SE 30<sup>th</sup> Street to U.S. 65, not to exceed \$900,000.

[\(Council Communication No. 21-419\)](#)

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

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

- (A) [Easton](#) Boulevard Resurfacing from Hubbell Avenue to E. 33<sup>rd</sup> Street, Grimes Asphalt and Paving Corporation.

- (B) [Four](#) Mile Creek Wetland at E. 34<sup>th</sup> Street and SE 14<sup>th</sup> Street Bioswales, MPS Engineers, PC dba Kingston Services, PC.

- (C) [Police](#) Traffic Unit Parking Lot at 1300 Scott Avenue, All Star Concrete, LLC.

## **SPECIAL ASSESSMENTS**

13. [Deletion](#) of rental inspection assessment at 1124 26<sup>th</sup> St.

## **LAND/PROPERTY TRANSACTIONS**

14. [Acceptance](#) of Planned Unit Development (PUD) restoration surety for The Slate at Gray's Landing Final Development Plan.

[\(Council Communication No. 21-411\)](#)

15. [Authorization](#) to proceed with acquisition of the necessary property interests for the 2022 Midblock Pedestrian Signal Upgrades Project.

[\(Council Communication No. 21-413\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

16. [Recommendation](#) from Council Member Gray to appoint Negus Rudison-Imhotep to the Des Moines Civil & Human Rights Commission, Seat 4, for a term ending on April 1, 2023.
17. [Communication](#) from Rocky Sposato advising of his resignation from the Plan and Zoning Commission, Seat 14, effective October 1, 2021.

## **SETTING DATE OF HEARINGS**

18. [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, (10-18-21).
19. [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, (10-18-21).
20. [On](#) vacation of parkland adjacent to Waveland Golf Course located south of and adjoining University Avenue, (10-18-21).
21. [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 East System Storm Sewer Improvements Project, (10-18-21).
22. [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, (10-18-21).
23. [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 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, (10-18-21).
24. [On](#) request from Israel Chavez for property located at 1209 East 16<sup>th</sup> Street to rezone the property from MX-1 Mixed Use District to N3a Neighborhood District to allow construction of a one-household dwelling, (10-18-21).

25. [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 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, (10-18-21).
26. [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 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, (10-18-21).
27. [On](#) request from Kenyon Hill Ridge, LLC (Dean Quirk, Officer), for review and approval of a 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, (10-18-21).
28. [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, (10-18-21).

[\(Council Communication No. 21-412\)](#)

29. [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, (10-18-21).

[\(Council Communication No. 21-409\)](#)

## **APPROVING**

30. [Contract](#) with Home Opportunities Made Easy, Inc. (HOME, Inc.) for operating support as a designated Community Housing Development Organization (CHDO) under the HOME Investment Partnership Program (HOME).

[\(Council Communication No. 21-416\)](#)

31. [Second](#) amendment to the Iowa Economic Development Authority (IEDA) contract with Accordia Life & Annuity Company and Global Atlantic Financial Company under the IEDA High Quality Jobs (HQP) program.

[\(Council Communication No. 21-408\)](#)

32. [Receive](#) and file proposal from Central Iowa Shelter & Services Properties, LLC (CISS) to redevelop the City-owned property located at 106 12th Street.

[\(Council Communication No. 21-426\)](#)

33. [Consent](#) and Addendum to License Agreement for Skywalk Security Cameras.

34. [Acceptance](#) of proposal from ParkMobile, LLC for pay-by-cell application services for Multi-Space Meter System (MSM) and approving agreement.

[\(Council Communication No. 21-418\)](#)

35. [Acceptance](#) of the COPS Anti-Heroin Grant Award by the Governor's Office of Drug Control Policy.

[\(Council Communication No. 21-402\)](#)

36. [Supplemental](#) Agreement No. 2 to the lease for public park and recreation purposes Saylorville Lake, Iowa corridor area for improvements to Prospect Park as part of the Central Iowa Water Trails (CIWT) Project.

[\(Council Communication No. 21-407\)](#)

37. [Proposal](#) of RK and Associates, Inc. to provide odor study and consulting services and authorizing the City Manager to execute agreement.

[\(Council Communication No. 21-414\)](#)

38. Communication of fire escrow at the following locations:

- (A) [1237](#) 13<sup>th</sup> Street.
- (B) [1804](#) Arlington Avenue.

39. Release of fire escrow at the following locations:

- (A) [3512](#) Easton Boulevard.
- (B) [1132](#) 42<sup>nd</sup> Street.

40. Purchases from the following:

- (A) [Electronical](#) Engineering and Equipment dba 3E (Steve VanBrocklin, President) for three (3) emergency standby power generators located at Police Academy and other City facilities per Sourcewell Purchasing contract for use by the Information Technology Division, \$59,767.61.

[\(Council Communication No. 21-400\)](#)

- (B) [Kiesler](#) Police Supply, Inc. (Doug Kiesler, (CEO) and Sunset Law Enforcement LTD (Mike Bright, Owner) for ammunition for training and duty purposes per State of Iowa Master Agreement for use by the Police Department, \$137,385.55 and \$48,945.00.

[\(Council Communication No. 21-403\)](#)

- (C) [The](#) Charles Machine Works, Inc. dba Subsite Electronics, (Rick Johnson, CEO) for replacement sewer inspection vehicle and associated equipment per HGACBuy purchase contract for use by the Department of Public Works, \$239,587.89.

[\(Council Communication No. 21-405\)](#)

- (D) [Kat's](#) Painting and 3R Painting Company for an annual agreement with three (3) additional one-year renewal options for miscellaneous graffiti removal services for an additional amount of \$50,000 for the remainder of fiscal year 2022 and subsequent renewal periods, (Seven potential bidders, three received).

[\(Council Communication No. 21-410\)](#)

- (E) [Carbon](#) Day Automotive (Brad Emarlfarb, CEO) for four electric vehicle charging stations, \$37,420 and Commonwealth Electric Company (Michael Price, President) for installation of the vehicle charging stations, \$13,826 per State of Iowa DAS purchasing contracts to be installed in the 4<sup>th</sup> & Grand and 9<sup>th</sup> & Locust parking garages for use by the Engineering Department, \$51,246 total.

[\(Council Communication No. 21-420\)](#)

- 41. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 4 and 11, 2021; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 4 and 11, 2021; to draw checks for biweekly payroll due October 8, 2021.

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



**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 42 THRU 50)**

42. On vacation of portions of street right-of-way located generally north of Martin Luther King, Jr. Parkway and west of Southeast 6<sup>th</sup> Street as part of the Market District Redevelopment Project.
  - (A) First consideration of ordinance above.
  
43. On vacation of a portion of 6<sup>th</sup> Avenue right-of-way adjoining 3524 6<sup>th</sup> Avenue and conveyance of a Permanent Easement for Air Space Above City-Owned Property to 3524 6<sup>th</sup> Avenue, LLC, \$800.
  - (A) First consideration of ordinance above.
  
44. Continuance of 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, **(Continued from August 23, 2021), (Continue hearing to December 6, 2021).**
  
45. Continuance of 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. **(Continued from August 23, 2021), (Continue hearing to December 6, 2021).**
  
46. On request from McKee Auto Center, Inc to amend PlanDSM: Creating Our Tomorrow future land use designation for property located at 4131 and 4141 East 14<sup>th</sup> Street from Community Mixed Use to Industrial and to rezone from MX3-V – Mixed Use District and I1-V – Industrial District to Limited I1 Industrial District to remove the prohibitions on Vehicle Sales and Trucking and Transportation Terminal uses and to allow Major Vehicle Maintenance/Repair Uses.
  - (A) First consideration of ordinance above.
  - (B) Final consideration of ordinance above (waiver requested by Brandon McKee, Owner), requires six votes.

47. On request from Hy-Vee, Inc. to rezone property located at 2540 East Euclid Avenue from MX3 – Mixed Use District to CX – Mixed Use District to bring the existing Large-Format Retail Sales use into zoning district more in line with the Zoning Ordinance for the use including but not limited to accessory outdoor sales with kiosk and canopy vehicular pick up on online purchases.
- (A) First consideration of ordinance above.  
 (B) Final consideration of ordinance above (waiver requested by John Brehm, Director of Site Planning for HyVee), requires six votes.
48. On request from Douglas & Sarah Wells (Owners) to amend PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Medium Density Residential to Neighborhood Mixed Use, and to rezone 520 and 530 42nd Street, from NX1 - Neighborhood Mix to RX1 - Mixed Use to bring the existing legal nonconforming Professional Office uses within the existing buildings into conformance with the Zoning Code.
- (A) First consideration of ordinance above.  
 (B) Final consideration of ordinance above (waiver requested by Brett Douglas, Genus Landscape Architects), requires six votes.
49. On request from Eastgate Plaza, LLC (Norman Weinstein, Officer) and Net Lease Development, LLC (Mark Huonder, Officer), for the 6th amendment to the Eastgate Plaza PUD Conceptual Plan on property located in the vicinity of 1500 East Euclid Avenue, to allow development of a 2.09-acre parcel with a restaurant building with a drive-through window and a multiple-tenant commercial building.
50. On proposed Second Amendment to the Southwest Gateway Urban Renewal Plan.

(Council Communication No. 21-422)

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

**INFORMAL HEARINGS**

51. Authorization to proceed with acquisition of the necessary property interests for the Lower Fourmile Creek Greenway Project.

(Council Communication No. 21-421)

## ORDINANCES - FIRST CONSIDERATION

52. [Amending](#) Sections 114-1618, 114-1647 and 114-1692, relating to snow routes.

[\(Council Communication No. 21-401\)](#)

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

[\(Council Communication No. 21-424\)](#)

- (A) Code change to match field conditions and remove rush-hour restriction on 7th Street between Walnut Street and Park Street.
- (B) Code change to match field conditions and remove parking on the east side of 3rd Street between Center Street and Park Street.

54. [Amending](#) the Municipal Code adding Chapter 18, Article VII, Sections 18-215, 18-216, 18-217, and 18-218, relating to feeding of wild animals.

[\(Council Communication No. 21-425\)](#)

## COMMUNICATIONS/REPORTS

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

- (A) Adam Callanan.
- (B) Bridget Pedersen.
- (C) Molly Arndt
- (D) Brandi Ramus
- (E) Abby Bankes
- (F) Luke Dawson
- (G) Debra Franklin
- (H) Jane Alderman
- (I) James Grimm
- (J) Denver Foote
- (K) John Noble

MOTION TO ADJOURN.

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