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

## August 9, 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:

- 1. 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.
- 2. 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.
- 3. 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.
- 4. 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.
- 5. 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.
- 6. EVERYONE in attendance has First Amendment rights and any disruptive conduct by one personor group impinges on the rights of others present, so disruptive conduct will not be tolerated.
- 7. 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.
- 8. 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:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA \* items 3 through 42:

\*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**

<del>(A)</del>	ALLEGED LEES	510 E GRAND AVE	Class C Liquor
(B)	<b>CHAMLING FOOD &amp; LIQUOR</b>	200 ARMY POST RD 20	Class C Beer
<del>(C)</del>	CRAFT BRU	210 SW 11TH ST SUITE 7	Class B Beer
(D)	FRESH IDEAS	3200 GRAND AVE	Class C Liquor
(E)	HOT TAMALE CATERING	2811 SE 14TH ST	Class C Liquor
(F)	SECRET ADMIRER	110 SW 5TH ST	Class C Liquor
(G)	WESLEY ACRES	3520 GRAND AVE	Class A Liquor
<del>(H)</del>	ZORA BAR ROOFTOP	2120 INGERSOLL AVE	Class C Liquor

# RENEWAL APPLICATIONS

<del>(I)</del>	AIRPORT RAMADA	1810 ARMY POST RD	Class B Liquor
(J)	AJS ON EAST COURT	419 E COURT AVE	Class C Liquor
(K)	BEECHWOOD LOUNGE	416 E WALNUT ST	Class C Liquor
(L)	BLACKBIRD HOSPITALITY	713 WALNUT ST	Class C Liquor
<del>(M)</del>	BLUE SUSHI SAKE GRILL	316 COURT AVE	Class C Liquor
(N)	BUDDYS CORRAL	418 E 5TH ST	Class C Liquor
(O)	DOUGH CO PIZZA	2330 UNIVERSITY AVE	Special Class C Liquor
(P)	GIT N GO STORE #26	2140 E PARK AVE	Class C Beer
(Q)	GIT N GO STORE #36	4164 EASTON BLVD	Class C Beer
(R)	HOMEWOOD SUITES	7201 SW 22ND ST	Special Class C
	Liquor		
<b>(S)</b>	HY VEE C STORE	1113 E ARMY POST RD	Class E Liquor
(T)	HY-VEE GAS #4	4701 FLEUR DR	Class E Liquor
(U)	INGERSOLL TAP	2837 INGERSOLL AVE	Class C Liquor
(V)	KUM & GO #0731	3104 UNIVERSITY AVE	Class E Liquor
(W)	NEW DISCOUNT MARKET	3207 DOUGLAS AVE	Class C Beer
(X)	PINTS PUB N PATIO	319 COURT AVE	Class C Liquor
(Y)	QUIK TRIP #516	1000 E UNIVERSITY	Class C Beer
$(\mathbf{Z})$	SAMBETTIS RESTAURANT	1430 2ND AVE	Class C Liquor

(AA)	SCIENCE CENTER OF IA	401 W M L KING JR	Class C Liquor
(BB)	STAR BAR	2811 INGERSOLL AVE	Class C Liquor
(CC)	TEQUILA RESTAURANT	2824 EASTON BLVD	Class C Liquor
(DD)	TOADS TAVERN	3002 STATE AVE	Class C Liquor

### SPECIAL EVENT APPLICATIONS

- (EE) SA PRESENTS 2251 GEORGE FLAGG 14 days
  CLASS C LIQUOR LICENSE FOR UMPHREYS MCGEE CONCERT ON
  AUGUST 15 AND KEO WETZEL CONCERT ON AUGUST 27, 2021.
- (FF) YOUR PRIVATE BAR 519 PARK ST 5 days CLASS C LIQUOR LICENSE FOR A WEDDING RECEPTION ON AUGUST 21, 2021.

#### TRANSFER TO NEW LOCATION

- (GG) ELWELL FAMILY FOOD CENTER 3000 E GRAND AVE Class C Liquor TEMPORARY TO THE CATTLE BARN FOR FAIR AFTER DARK ON AUGUST 20, 2021
- 5. <u>City Clerk</u> to issue Coin Operated Machine Licenses.

### **PUBLIC IMPROVEMENTS**

6. Endorsing the Broadway Avenue – 2<sup>nd</sup> Avenue to Hubbell Avenue Project as part of a Transportation Safety Improvement Program (TSIP) Grant Application.

(Council Communication No. 21-353)

7. <u>Approving</u> Professional Services Agreement (PSA) with Shive-Hattery, Inc. for design services for the E. Court Avenue Improvement Project – Des Moines River to E. 14<sup>th</sup> Street, not to exceed \$384,100.

#### (Council Communication No. 21-354)

8. <u>Supplemental</u> Agreement No. 1 to the Professional Services Agreement (PSA) with Stanley Consultants, Inc. for additional design and construction phase services for the Guthrie Avenue Viaduct over Union Pacific Railroad Rehabilitation, not to exceed \$231,200.

(Council Communication No. 21-355)

9. <u>Approving</u> Change Order No. 9 with Jasper Construction Services, Inc. for additional work on Court Avenue, SW 1<sup>st</sup> Street and Scott Avenue Bridge Rehabilitation, in the amount of \$348,456.57.

# (Council Communication No. 21-350)

- 10. <u>Approving</u> completion and acceptance of Private Construction Contract for Eagle Pointe Manufactured Home Development Phase 1 and 2 between Team Excavating, Inc. and Flummerfelt Eagle Pointe, LLC.
- 11. <u>Communication</u> from contractors requesting permission to sublet certain items on public improvement project.
- 12. Accepting completed construction and approving final payment for the following:
  - (A) <u>Fleur Drive</u> Reconstruction from George Flagg Parkway to Watrous Avenue, Phase 1, Northbound Lanes, Synergy Contracting, LLC.
  - (B) Center Street Park and Ride Lighting Improvements, ABC Electrical Services, LLC.
  - (C) <u>Police Academy</u> Firing Range HVAC Improvements, Corn States Metal Fabricators, Inc.
  - (D) <u>E. 1<sup>st</sup> and Marke</u>t Street Storm Water Pump Station Repairs, Woodruff Construction, Inc.
  - (E) <u>Historic</u> Pillar Repair on Southwest Corner of Chaffee Road and Army Post Road, Renaissance Restoration, Inc.
  - (F) <u>Lower Oak</u> and Highland Park Sewer Separation Phase 2, Rognes Corp. dba Rognes Corporation.

#### LAND/PROPERTY TRANSACTIONS

13. Releasing PUD Restoration Bond for Birdland Vista Plat 1.

#### BOARDS/COMMISSIONS/NEIGHBORHOODS

14. <u>Communication</u> from Madeline Goebel advising of her resignation from the Greater Des Moines Sister Cities Commission, Seat 15, effectively immediately.

#### SETTING DATE OF HEARINGS

- 15. 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, (8-23-21).
- 16. 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, (8-23-21).
- 17. On request from KG Store 543, LLC (Gerard Haberman, Officer) to rezone property located in the vicinity of 1619 Ingersoll and 1620 High Street, and to receive and file request to vacate Linden Street from 17<sup>th</sup> Street to Ingersoll Avenue and 16<sup>th</sup> Street from Ingersoll Avenue to the southern line of east-west alley between 15<sup>th</sup> Street and 16<sup>th</sup> Street to allow reuse of the property at 555 17<sup>th</sup> Street for a microbrewery with additional commercial uses, (8-23-21).
- 18. On conveyance of vacated north/south alley right-of-way located west of and adjoining 1266 East 17<sup>th</sup> Court to Byron G. Giron for \$25, (8-23-21).
- 19. 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, (8-23-21).
- 20. On request from JOPPA (Joe Stevens, Officer) to amend PlanDSM: Creating Our Tomorrow future land use designation for propety 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, (8-23-21).

- 21. On vacation of excess City right-of-way located north of and adjoining 1661 County Line Road, and conveyance to JOPPA for \$30,000, (8-23-21).
- 22. On vacation of a portion of Watson Powell Jr. Way right-of-way adjoining 524 4<sup>th</sup> Street and conveyance of a Permanent Easement for Subsurface Building Encroachment on Cityowned property and a Permanent Easement for Building Encroachment to the State of Iowa for the use and benefit of the Department for the Blind, (8-23-21).
- 23. 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, (8-23-21).
- 24. <u>To</u> correct the vacation of a portion of East Martin Luther King, Jr. Parkway right-of-way located between East 15<sup>th</sup> Street and East 18<sup>th</sup> Street, and conveyance to Des Moines Industrial, LLC for \$100, (8-23-21).
- 25. 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 16<sup>th</sup> Street and Vale Street as part of the Municipal Services Center Phase 2 Project, (8-23-21).
- 26. On vacation of a portion of Southeast 3<sup>rd</sup> Street right-of-way located north of East Market Street and south of vacated East Vine Street adjoining 200 Southeast 3<sup>rd</sup> Street as part of the Market District Redevelopment Project, (8-23-21).
- 27. On the competitive bid process for sale and redevelopment of 503 SE 12<sup>th</sup> Street in the Metro Center Urban Renewal Project Area, and receipt of redevelopment proposal from Des Moines Climate Controlled Self Storage, LLC (Mark Bockenstedt, Owner), (9-13-21).

(Council Communication No. 21-357)

### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 28. Approving payment for the claim of Aaron and Tina Ehrlich.
- 29. Retention of Outside Counsel.

#### **APPROVING**

30. Grant Agreements with the U.S. Department of Housing and Urban Development (HUD) for funding the City's Second Year (2021) Action Plan of the 2020-2024 Consolidated Plan.

(Council Communication No. 21-356)

31. <u>Amended</u> Home Investment Partnership Program (HOME) Promissory Note and Mortgage with the Rose of Des Moines, 1330 19<sup>th</sup> Street.

### (Council Communication No. 21-346)

- 32. <u>Issuance</u> of Certificate of Completion to Nelson Development, LLC for the construction of a HOME2 Suites Hotel at 2650 University Avenue across from Drake University.
- 33. Regarding City initiation of request to rezone property located at 3312 East Granger Avenue from EX Mixed Use District to I2 Industrial District for expansion of operations.
- 34. <u>Iowa</u> Department of Transportation (IDOT) Agreements for the Iowa Volkswagen Settlement Environmental Mitigation Trust Project: 4<sup>th</sup> and Grand and 9<sup>th</sup> and Locust Parking Garages.

### (Council Communication No. 21-340)

- 35. Amended Parking Meter Rate and Time Zone 1.
- 36. Number Not Used.
- 37. Number Not Used.
- 38. Number Not Used.
- 39. Abatement of public nuisances as follows:
  - (A) 1305 McKinley Avenue.
  - (B) 2591 Easter Lake Drive.
  - (C) 1300 E. Watrous Avenue.
  - (D) 525 SE 7<sup>th</sup> Street.
  - (E) 2010 6<sup>th</sup> Avenue.
  - (F) 233 E. Park Avenue.

### 40. Purchases from the following:

(A) <u>Ziegler</u> CAT Inc. (William Hoeft, President) for one compact excavator per Sourcewell purchasing contract as requested by the Department of Public Works Sewers Division, \$94,552.17.

#### (Council Communication No. 21-342)

(B) <u>Ziegler</u> CAT Inc. (William Hoeft, President) for one replacement used motor grader per Sourcewell purchasing contract as requested by the Department of Public Works Street Maintenance Division, \$165,000.

#### (Council Communication No. 21-343)

(C) <u>Housby</u> Mack Inc. (Kelly Housby, CEO) for three conventional cab heavy duty truck replacements, \$370,028 and Henderson Products, Inc. (John Sievert, President) for dump bodies and snowplows including installation, \$313,141 per Sourcewell purchasing contracts as requested by the Department of Public Works Street Cleaning and Sewers Division, total \$683,169.

### (Council Communication No. 21-345)

(D) <u>Heartland</u> Business Systems (Peter Helander, CEO) for Cisco Catalyst 9300 and Catalyst 9500 network hardware per State of Iowa Contract as requested by the Information Technology Department, \$215,196.62.

### (Council Communication No. 21-347)

(E) <u>Stivers</u> Ford (Scott Politte, General Manager) for two replacement hybrid pursuit SUVs per State of Iowa contract as requested by the Fleet Services Division for use by the Police Department, \$72,109.

### (Council Communication No. 21-349)

41. Short form agreement for the diagnosis and repair of Mack branded truck chassis, including use of Mack OEM installed telematics, and McNeilus refuse collection body installed on truck chassis and associated parts not supplied by Fleet Services Department with Housby Mack Inc. (Kelly Housby, CEO) in the amount of up to \$250,000 annually.

#### (Council Communication No. 21-344)

42. <u>Authorizing</u> Finance Director to draw checks on registers for the weeks of August 9 and 16; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 9 and 16; to draw checks for biweekly payroll due August 13, 2021.

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

# HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 43 THRU 64)

43. On the issuance not to exceed \$30,000,000 Stormwater Management Utility Revenue Bonds.

(Council Communication No. 21-348)

- (A) Authorization to take additional action.
- 44. On the issuance of not to exceed \$40,000,000 General Obligation Urban Renewal Bonds of the City of Des Moines, State of Iowa (For Essential Corporate Purposes).

(Council Communication No. 21-348)

- (A) Authorization to take additional action.
- 45. On the issuance of not to exceed \$53,000,000 General Obligation Bonds of the City of Des Moines, State of Iowa (For Essential Corporate Purposes).

(Council Communication No. 21-348)

- (A) Authorization to take additional action.
- 46. On the issuance of not to exceed \$1,000,000 General Obligation Bonds of the City of Des Moines, State of Iowa (for General Corporate Purposes (GCP-1)).

(Council Communication No. 21-348)

- (A) Authorization to take additional action.
- 47. On the issuance of not to exceed \$1,000,000 General Obligation Bonds of the City of Des Moines, State of Iowa (for General Corporate Purposes (GCP-2)).

(Council Communication No. 21-348)

(A) <u>Authorization</u> to take additional action.

48. On the issuance of not to exceed \$1,000,000 General Obligation Bonds for the City of Des Moines, State of Iowa (For General Corporate Purposes, (GCP-3)).

(Council Communication No. 21-348)

- (A) Authorization to take additional action.
- 49. On the issuance of not to exceed \$1,000,000 General Obligation Bonds of the City of Des Moines, State of Iowa (for General Corporate Purposes, (GCP-4)).

(Council Communication No. 21-348)

- (A) Authorization to take additional action.
- 50. On the issuance of not to exceed \$1,000,000 General Obligation Bonds of the City of Des Moines, State of Iowa (for General Obligation Corporate Purposes, (GCP-5)).

(Council Communication No. 21-348)

- (A) Authorization to take additional action.
- 51. On the issuance of not to exceed \$1,000,000 General Obligation Bonds of the City of Des Moines, State of Iowa (for General Corporate Purposes, (GCP-6)).

(Council Communication No. 21-348)

- (A) Authorization to take additional action.
- 52. On the issuance of not to exceed \$1,000,000 General Obligation Bonds of the City of Des Moines, State of Iowa (for General Corporate Purposes, (GCP-7)).

(Council Communication No. 21-348)

- (A) Authorization to take additional action.
- 53. On the issuance of not to exceed \$1,000,000 General Obligation Bonds of the City of Des Moines, State of Iowa (for General Corporate Purposes, (GCP-8)).

(Council Communication No. 21-348)

(A) Authorization to take additional action.

54. On the issuance of not to exceed \$1,000,000 General Obligation Bonds of the City of Des Moines, State of Iowa (for General Corporate Purposes, (GCP-9)).

(Council Communication No. 21-348)

- (A) Authorization to take additional action.
- 55. On the issuance of not to exceed \$1,000,000 General Obligation Bonds of the City of Des Moines, State of Iowa (for General Corporate Purposes, (GCP10)).

(Council Communication No. 21-348)

- (A) Authorization to take additional action.
- 56. On the issuance of not to exceed \$1,000,000 General Obligation Bonds of the City of Des Moines, State of Iowa (for General Corporate Purposes, (GCP-11)).

(Council Communication No. 21-348)

- (A) Authorization to take additional action.
- 57. On the issuance of not to exceed \$1,000,000 General Obligation Bonds of the City of Des Moines, State of Iowa (for General Corporate Purposes, (GCP-12)).

(Council Communication No. 21-348)

- (A) Authorization to take additional action.
- 58. On the issuance of not to exceed \$1,000,000 General Obligation Bonds of City of Des Moines, State of Iowa (for General Corporate Purposes, (GCP-13)).

(Council Communication No. 21-348)

- (A) <u>Authorization</u> to take additional action.
- (B) <u>Directing</u> the advertisement for sale of \$96,845,000 General Obligation Bonds, Series 2021F, and approving Electronic Bidding Procedures and <u>Official Statement</u> (bonds will be sold at 10:00 a.m. on August 18, 2021 and a Special Meeting will be held at 4:30 p.m.).

- (C) <u>Directing</u> the advertisement for sale of \$5,050,000 Taxable Obligation Bonds, Series 2021G, and approving Electronic Bidding Procedures and <u>Official Statement</u> (bonds will be sold at 10:00 a.m. on August 18, 2021 and a Special Meeting will be held at 4:30 p.m.)
- (D) <u>Directing</u> the advertisement for sale of \$29,085,000 Stormwater Management Utility Revenue Bonds, Series 2021H, and approving Electronic Bidding Procedures and <u>Official Statement</u> (bonds will be sold at 10:00 a.m. on August 18, 2021 and a Special Meeting will be held at 4:30 p.m.)
- 59. On request from Oscar and Enrique Zenteno to amend the PlanDSM: Creating our Tomorrow future land use classification for 2354 E Grand Avenue from Neighborhood Mixed Use to Community Mixed Use District and to rezone from MX1 Mixed Use District to MX3 Mixed Use District to allow ongoing operation of a Minor Vehicle/Maintenance Repair use on the property. Plan and Zoning Commission recommends denial (Continued from June 14, 2021). Note: Six affirmative votes are required to approve the proposed rezoning due to the Plan and Zoning Commission's recommendation for denial. Des Moines City Code §134-6.3.9.B.1.
  - (A) <u>First</u> consideration of ordinance above. **Note:** Six affirmative votes are required to approve the proposed rezoning due to the Plan and Zoning Commission's recommendation for denial. Des Moines City Code §134-6.3.9.B.1.
  - (B) <u>Final</u> consideration of ordinance above (waiver requested by Oscar and Enrique Zenteno), requires six votes.
- 60. On request from Des Moines Film for a Certificate of Appropriateness for proposed exterior alternations to the Varsity Theater located at 1207 25<sup>th</sup> Street.
- 61. On vacation of a portion of Southwest McKinley Avenue located north of and adjoining 6020 Southwest McKinley Avenue and conveyance to Nickolas Van Patten for \$250.
  - (A) First consideration of ordinance above.
  - (B) <u>Final</u> consideration of ordinance above (waiver requested by Nickolas Van Patten), requires six votes.

- 62. On conveyance of a permanent gas easement located at 101 East 2<sup>nd</sup> Street to MidAmerican Energy Company for the East 2<sup>nd</sup> Street Reconstruction Court Avenue to Iowa Interstate Railroad project.
- 63. On vacation of portions of Southeast 3<sup>rd</sup> Street and Southeast 4<sup>th</sup> Street right-of-way located north of Martin Luther King, Jr. Parkway and south of vacated East Elm Street as part of the Market District Redevelopment project.
  - (A) First consideration of ordinance above.
  - (B) <u>Final</u> consideration of ordinance above (waiver requested by Erin Olson-Douglas, Development Services Director), requires six votes.
- 64. On vacation of Ohio Street right-of-way located north of Franklin Avenue and east of and adjoining 101 Franklin Avenue.
  - (A) First consideration of ordinance above.
  - (B) Final consideration of ordinance above, requires six votes.

**** END OF HEARING	P.M.	****
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#### **ORDINANCES - FIRST CONSIDERATION**

65. <u>Amending</u> Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows:

(Council Communication No. 21-341)

- (A) Loading Zone Removal—east side of 6th Avenue between Euclid Avenue and Clinton Avenue.
- (B) Final consideration of ordinance above, requires six votes.

# **COUNCIL REQUESTS**

66. From Mayor Cownie, Council Member Mandelbaum and Council Member Voss to discuss deer and water fowl management.

#### **COMMUNICATIONS/REPORTS**

- 67. Requests to speak as follows:
  - (A) Taylor Webber.
  - (B) Adam Callanan.
  - (C) K.T. Menke.
  - (D) Mimi Habhab.
  - (E) Garland Armstrong.
  - (F) Heather Armstrong.
  - (G) Jean A. O'Donnell.
  - (H) Colin Coulter. WITHDRAWN
  - (I) Carrie Gosnell.
  - (J) Rick Prettyman.
  - (K) Ed Fallon.

#### MOTION TO ADJOURN.

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