

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

September 13, 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

Self-Care Month
Latino Heritage Month

* * * * *

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 43:

***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) 300 BURGER	300 W MLK JR PKWY #170	Class C Liquor
(B) 821 SQ LIQUOR	821 E EUCLID AVE	Class E Liquor
WITHDRAWN		
(C) GOLDENLAND FOOD	2740 DOUGLAS AVE	Class C Beer
(D) JRS SOUTHPORK RANCH	3000 E GRAND AVE	Class C Liquor
(E) NACHO TEQUILAS	6401 SE 14TH ST	Class C Liquor
WITHDRAWN		
(F) NEW NORTHWESTERN	321 E WALNUT ST	Class C Liquor
(G) SENOR TEQUILA	3411 SE 14TH ST	Class C Liquor

RENEWAL APPLICATIONS

(H) 1908 DRAUGHT HOUSE	409 COURT AVE	Class C Liquor
(I) 4H BUILDING	3000 E GRAND AVE #496	Class B Beer
(J) 5 DE MAYO MEXICAN	5118 SE 14TH ST	Class C Liquor
(K) ALEGRIAS SEAFOOD	2809 6TH AVE	Class C Liquor
(L) AMERICAN OUTLAWS	214 3RD ST	Class C Liquor
(M) ANDYS PLACE	5114 SW 9TH ST	Class C Liquor
(N) BERNARDOS BURRITOS	215 4TH ST	Class C Liquor
(O) CASEYS STORE #2676	2106 ECHO VALLEY DR	Class C Liquor
(P) CASEYS STORE #44	4560 E 14TH ST	Class C Beer
(Q) CAVE DSM	1437 WALNUT ST	Special Class C
(R) CHOCOLATERIE STAM	2814 INGERSOLL AVE	Class C Native Wine
(S) CLUB 2000	422 INDIANOLA RD	Class C Liquor

(T)	CONSERVATORY	315 E 5TH ST #2	Class C Liquor
(U)	DM IZAAK WALTON	4343 GEORGE FLAGG	Class C Liquor
(V)	DES MOINES MARRIOTT	700 GRAND AVE	Class B Liquor
(W)	DES MOINES MARRIOTT	700 GRAND AVE	Class E Liquor
(X)	DRAKE-RATHSKELLER	2875 UNIVERSITY AVE	Class C Liquor
(Y)	DRAKE-COURTSIDE CLUB	2601 FOREST AVE	Special Class C
(Z)	DRAKE-LEVITT HALL	2507 UNIVERSITY AVE	Special Class C
(AA)	EAST SIDE EDDIES	3517 E 26TH ST	Class C Liquor
(BB)	EL BUEN SABOR LATINO	1130 E 9TH ST #E	Class C Liquor
(CC)	EL PALOMINO	3116 E 14TH ST	Class C Beer
(DD)	FAREWAY STORES #900	100 E EUCLID AVE	Class E Liquor
(EE)	GAMEDAY LANES	3500 MERLE HAY RD	Class C Liquor
(FF)	HY VEE MARKET CAFE #3	3221 SE 14TH ST	Class C Liquor
(GG)	INDIA STAR	5514 DOUGLAS AVE	Special Class C
(HH)	KUM & GO #120	6304 SW 9TH ST	Class C Beer
(II)	LINNS SUPERMARKET	3805 6TH AVE	Class C Beer
(JJ)	ONE STAR BAR	209 4 TH ST	Class C Liquor
(KK)	OPEN SESAME	313 E LOCUST ST	Class C Liquor
(LL)	QUIK TRIP #560	2300 MLK JR PKWY	Class C Beer
(MM)	SUPER QUICK	303 SE 30TH ST	Class E Liquor
(NN)	SUPER QUICK SMOKE	5625 HICKMAN RD	Class C Beer
(OO)	WALGREENS #00359	2545 E EUCLID AVE	Class E Liquor
(PP)	WALGREENS #04714	4555 FLEUR DR	Class E Liquor
(QQ)	WALGREENS #04752	4415 DOUGLAS AVE	Class E Liquor
(RR)	WALGREENS #05362	1330 E UNIVERSITY AVE	Class E Liquor
(SS)	WALGREENS #05721	3140 SE 14TH ST	Class E Liquor
(TT)	WALGREENS #05777	2930 E UNIVERSITY AVE	Class E Liquor
(UU)	WALGREENS #05852	3030 UNIVERSITY AVE	Class E Liquor
(VV)	WALGREENS #07453	104 E EUCLID AVE	Class E Liquor
(WW)	WALGREENS #07833	3501 INGERSOLL AVE	Class E Liquor
(XX)	WALGREENS #07968	6200 SE 14TH ST	Class C Liquor
(YY)	WAL-MART #1723	5101 SE 14TH ST	Class E Liquor
(ZZ)	WELLMANS PUB	2920 INGERSOLL AVE	Class C Liquor

OUTDOOR SERVICE APPLICATION

(AAA) CHRISTOPHERS 2816 BEAVER AVE
TEMPORARY OUTDOOR SERVICE FOR EVENT ON SEPTEMBER 20 - 21, 2021.

(BBB) LUA BREWING 1525 HIGH ST
TEMPORARY OUTDOOR SERVICE FOR EVENT ON SEPTEMBER 18, 2021.

SPECIAL EVENT APPLICATIONS

(CCC) DES MOINES EMBASSY 100 LOCUST ST 5 days
SPECIAL CLASS C LIQUOR LICENSE FOR AN EVENT ON SEPTEMBER 25, 2021.

- (DDD) GATEWAY MARKET 120 E 5TH ST 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING RECEPTION ON
SEPTEMBER 25, 2021.
- (EEE) GREAT CATERERS 120 E 5TH ST 5 days
CLASS C LIQUOR LICENSE FOR AIA IOWA AWARDS CELEBRATION
ON SEPTEMBER 23, 2021.
- (FFF) IOWA ASIAN ALLIANCE 1203 LOCUST ST BEER TENT 5 days
CLASS C LIQUOR LICENSE FOR CELEBRASIAN ON OCTOBER 1 - 2,
2021.
- (GGG) IOWA LATINO HERITAGE 1000 GRAND AVE 5 days
CLASS B BEER LICENSE FOR FESTIVAL ON SEPTEMBER 25-26, 2021.
- (HHH) SA PRESENTS 2251 GEORGE FLAGG PKWY 5 days
CLASS C LIQUOR LICENSE FOR INCUBUS CONCERT ON OCTOBER 5,
2021.
- (III) SA PRESENTS 2251 GEORGE FLAGG PKWY 14 days
CLASS C LIQUOR LICENSE FOR CONCERT SERIES.
- (JJJ) WINEFEST DES MOINES 901 CHERRY ST 5 days
CLASS C LIQUOR LICENSE FOR FESTIVAL ON SEPTEMBER 25, 2021.
- (KKK) WINEFEST DES MOINES 400 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR FESTIVAL ON SEPTEMBER 25, 2021.
- (LLL) YOUR PRIVATE BAR 4025 TONAWANDA DR 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING RECEPTION ON
SEPTEMBER 25, 2021.
- (MMM) YOUR PRIVATE BAR 504 East Locust 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING RECEPTION ON
OCTOBER 2, 2021.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [Greenhouse](#) Facility Structure – Receiving of bids (10-5-21), Setting date of hearing (10-18-21), Engineer’s estimate, \$763,000.

[\(Council Communication No. 21-377\)](#)

- (B) [Hamilton](#) Drain Storm Water Improvements, Phase 2: Receiving of bids (10-5-21), Setting date of hearing (10-18-21), Engineer’s estimate, \$6,840,000.

[\(Council Communication No. 21-378\)](#)

7. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement (PSA) with Barker, Lemar and Associates, Inc. d/b/a Evora Consulting, Ltd. for additional professional services for DICO 2021 Annual Services – Operation, Maintenance, and Sampling of Treatment System, not to exceed \$115,000.

([Council Communication No. 21-376](#))

8. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement (PSA) with Bolton and Menk, Inc. for additional design and construction administration services for the MacRae Park Roadway (Phase 3), Park and Trail Improvements, not to exceed \$45,000.

([Council Communication No. 21-380](#))

9. Approving Private Construction Contract between the following:
- (A) [DeWit](#) Construction, LLC and True Bible Baptist Church for paving improvements in 4102 North Union Street, \$25,138.
 - (B) [McAninch](#) Corporation and Riverwoods Place, LLC for Sanitary Sewer Improvements in Woods on the River Plat 11, \$87,364.
 - (C) [McAninch](#) Corporation and Riverwoods Place, LLC for Storm Sewer Improvements in Woods on the River Plat 11, \$169,639.11
 - (D) [Sternquist](#) Construction Inc. and Hubbell Realty Company for Paving Improvements in Woods on the River Plat 11, \$138,450.
10. Accepting completed construction and approving final payment for the following:
- (A) [2020-2021](#) HMA Pavement Scarification and Resurfacing, Grimes Asphalt and Paving Corporation.
 - (B) [George](#) Whitmer and Fairmont Park Improvements, Caliber Concrete, LLC.
 - (C) [Little](#) Four Mile Trunk Sanitary Sewer, Rognes Corp.
 - (D) [River](#) Bend and King Irving Sewer Separation Phase 2B, Corell Contractor, Inc.
 - (E) Yeader Creek Stream Stabilization Improvements-Phase 2, RW Excavating Solutions, LC.
 - (F) [Ruan](#) Connector, Cramer and Associates, Inc.
 - (1) [Naming](#) of Fleur Drive Trail Underpass, the “Ruan Connector” and Authorizing City Manager to determine effective date of such naming.
11. [Communication](#) from contractors requesting permission to sublet certain items on public improvement project.

LAND/PROPERTY TRANSACTIONS

12. [Acceptance](#) of real estate documents from Raul Chavez and Maria Guadalupe Estrada for voluntary acquisition of property located at 4137 Colfax Avenue on the Lower Fourmile Creek Greenway Project.

([Council Communication No. 21-379](#))

BOARDS/COMMISSIONS/NEIGHBORHOODS

13. [Communication](#) from Kameron Middlebrooks advising of his resignation from the Des Moines Civil and Human Rights Commission, Seat 4, effective immediately.

SETTING DATE OF HEARINGS

14. [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, (10-4-21).
15. [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 14th 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, (10-4-21).
16. [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, (10-4-21).
17. [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, (10-4-21).
18. [On](#) vacation of portions of street right-of-way located generally north of Martin Luther King, Jr. Parkway and west of Southeast 6th Street as part of the Market District Redevelopment Project, (10-4-21).

19. [On](#) vacation of a portion of 6th Avenue right-of-way adjoining 3524 6th Avenue and conveyance of a Permanent Easement for Air Space Above City-Owned Property to 3524 6th Avenue, LLC, \$800, (10-4-21).
20. [On](#) the competitive process for sale of land and redevelopment of the Crescent Chevrolet Building in the Metro Center Urban Renewal Project Area and receipt of redevelopment proposal from the Krause+ Affiliate KG Store 543, LLC, (10-18-21).
21. [On](#) the proposed [Twenty-Ninth](#) Amendment to the Metro Center Urban Renewal Plan, (11-1-21).

[\(Council Communication No. 21-393\)](#)

22. [On](#) the proposed [Third Amendment](#) to the Urban Renewal Plan for the Fleur Drive Commercial Urban Renewal Area, (11-1-21).

[\(Council Communication No. 21-391\)](#)

23. [On](#) the proposed [Second Amendment](#) to the Urban Renewal Plan for the Northeast Gateway 1 Urban Renewal Area, (11-1-21).

[\(Council Communication No. 21-384\)](#)

24. [On](#) the proposed [Third Amendment](#) to the Urban Renewal Area Plan for the Merle Hay Commercial Area Urban Renewal Area, (11-1-21).

[\(Council Communication No. 21-390\)](#)

25. [On](#) the proposed [Ninth Amendment](#) to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area, (11-1-21).

[\(Council Communication No. 21-392\)](#)

26. [On](#) the proposed 2022 Action Plan as part of the 2020-2024 Consolidated Plan for submission to the U.S. Department of Housing and Urban Development (HUD), (11-1-21).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLING

27. [Approving](#) retention of Marty Kenworthy and Kenworthy Law, P.C. to represent the City of Des Moines in the matter of a claim related to construction.

APPROVING

28. [Parcel](#) Development Agreement with [Slate](#) at Gray's Landing LLC and Redevelopment Plan for construction of senior housing in Gray's Landing and acknowledging amount of parcel grant allocated to the project.

([Council Communication No. 21-394](#))

29. [Stormwater](#) Management Facilities Maintenance Covenant and Permanent Easement Agreement with Des Moines Industrial Land, LLC and Des Moines Industrial, LLC for a stormwater detention basin located in the vicinity of 200 SE 15th Street for development of a multi-modal transloading facility.

([Council Communication No. 21-381](#))

30. [Releasing](#) terms, covenants and restrictions of Development Agreement and releasing PILOT Agreement Obligations for Old Central Fire Station No. 1 property – 900 Mulberry Street.

([Council Communication No. 21-395](#))

31. Number Not Used.

32. [Ratification](#) of Iowa Department of Natural Resources (IDNR) Resource Enhancement and Protection (REAP) funding grant [application](#) seeking \$300,000 for Beaverdale Park Woodland Restoration.

([Council Communication No. 21-389](#))

33. [Agreement](#) with the U.S. Geological Survey for the operation and maintenance of five (5) stream gaging stream stations, (63rd Street on Walnut Creek, Easton Boulevard on Four Mile Creek, Fleur Drive on the Raccoon River, and 2nd Avenue on the Des Moines River).

([Council Communication No. 21-383](#))

34. [Agreement](#) for EMT training and agreement for paramedic training with Des Moines Area Community College.

([Council Communication No. 21-387](#))

35. [FY 2021](#) Annual Federal Equitable Sharing Agreement and Certification.

([Council Communication No. 21-382](#))

36. [Allocation](#) of funds in support of extension of 2021 weekend evening activities in the Court Avenue Entertainment District.
37. [Amendment](#) and extension of contract with Creative Outdoor Advertising of America to provide bus benches on Des Moines Streets served by public transit.

[\(Council Communication No. 21-385\)](#)

38. [Issuance](#) of \$89,125,000 General Obligation Bonds, Series 2021F, and levying a tax to pay said Bonds: Approval of the Tax Exemption Certificate and Continuing Disclosure Certificate.
39. [Issuance](#) of Taxable \$5,050,000 General Obligation Bonds, Series 2021G, and levying a tax to pay said Bonds: Approval of the Tax Exemption Certificate and Continuing Disclosure Certificate.
40. [Issuance](#) of \$26,505,000 Stormwater Management Utility Revenue Bonds, Series 2021H, and levying a tax to pay said Bonds: Approval of the Tax Exemption Certificate and Continuing Disclosure Certificate.
41. [Request](#) from Downtown Community Alliance, on behalf of the World Food Prize, for approval of up to 70 banners on 35 banner poles in Downtown Des Moines for the month of October 2021. These banners will be displayed on Locust Street and Grand Avenue from 10th Street to 2nd Avenue.
42. [Purchase](#) of Extrication Tools from sole area-wide distributors Sandry Fire Supply (Mary Sandry, Owner/Manager), \$61,855, Alex Air Apparatus (Vern Wieberdink, Owner), \$32,110 and Ed M. Feld Equipment Co., Inc. (John Feld, Owner), \$192,753.55 as requested by the Fire Department, total \$286,718.55.

[\(Council Communication No. 21-388\)](#)

43. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September 13, 20 and 27, 2021; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 13, 20 and 27, 2021; to draw checks for biweekly payroll due September 24, 2021.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 44 THRU 46)

44. [On](#) conveyance of excess City owned property located west of and adjoining 2000 Leyner Street to Michelle Scaglione for \$100.
45. [Continuing](#) hearing on the competitive bid process for sale and redevelopment of 503 SE 12th 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). (**Continue hearing to October 18, 2021**).
46. [On](#) proposed amendment to Zoning Ordinance to provide for the allowance of Outdoor Storage as accessory to the use of Self-Service Storage within the I1 and I2 Industrial Districts.
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by City Manager), requires six votes.

**** END OF HEARINGS _____ P.M. ****

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 21-386\)](#)

- (A) Proposed code changes to match field conditions at the following locations:
 - (1) North side of E Court Avenue east of Water Street.
 - (2) South side of Grand Avenue between 16th Street and 17th Street
 - (3) West side of 16th Street between High Street and Linden Street
 - (4) West side of 14th Street between Grand Avenue and Ingersoll Avenue
 - (5) East side of 12th Street between High Street and Woodland Avenue
 - (6) East side of 11th Street between Mulberry Street and Cherry Street
 - (7) East side of 10th Street between Grand Avenue and Locust Street
 - (8) East side of 8th Street between Grand Avenue and High Street
 - (9) East side of 7th Street between Grand Avenue and High Street
 - (10) East side of 6th Avenue between Grand Avenue and Watson Powell Jr Way
 - (11) East side of Grand Avenue between 6th Avenue and 7th Street
- (B) Code modifications related to the vacation of Raccoon Street between SE 4th Street and SE 5th Street.
- (C) Speed limit changes—

- (1) Williams Street between E University Avenue and Williams Court
- (2) Williams Court between Williams Street and E 42nd Street
- (3) E 42nd Street between Williams Court and Easton Boulevard

(D) Final consideration of ordinance above, requires six votes.

48. [Amending](#) Chapter 78 regarding mobile food vendors on streets during special events.

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

[\(Council Communication No. 21-396\)](#)

COUNCIL REQUESTS

49. [Council](#) Member Gray requests to speak on semi-tractor and trailers parking on residential streets.

APPROVING

50. Items related to the Central Iowa Water Trails Project involving City of Des Moines, Central Iowa Water Trails, LLC, Des Moines Area Metropolitan Planning Organization, Polk County Conservation, and Iowa Confluence Water Trail as follows:

- (A) [28E Agreement](#) with [Central Iowa Water Trails, LLC](#) for the operation and maintenance of the City of Des Moines Regional Water Trail Access Points and Downtown Water Trail Locations.

[\(Council Communication No. 21-398\)](#)

- (B) [Agreement](#) regarding [Build Grant](#) to the Des Moines Area Metropolitan Planning Organization, Central Iowa Water Trails, LLC, and Polk County Conservation, and receiving and filing project plans and specifications.

[\(Council Communication No. 21-399\)](#)

- (C) [Appointment](#) to Iowa Confluence Water Trails (ICON) Board of Directors and recommendations for City Representatives on ICON Executive Committee and Great Outdoors Foundation (GOF) ICON Investments Selection Committee.

[\(Council Communication No. 21-397\)](#)

COMMUNICATIONS/REPORTS

51. [Requests](#) to speak as follows:
- (A) Adam Callanan.
 - (B) John Noble.

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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