

*** DES MOINES CITY COUNCIL MEETING REPORT ***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '21-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

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

February 8, 2021 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 January 7, 2021 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and further given Section One Hundred Thirteen of the Governor's January 7, 2021 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 and Council 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/s/89292260565?pwd=VWZrVIhpRkFwb01qUjlRcitkTlRKQT09

Passcode: 616663

Or join by phone:

Dial: US: +1 312 626 6799 or 877 853 5257 (Toll Free) Webinar ID: 892 9226 0565

- 21-0166 ROLL CALL: Present: Cownie, Boesen, Gatto, Gray, Mandelbaum, Voss and 1. Westergaard.
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by 21-0167 Boesen to adopt. Motion Carried 7-0.
- 21-0168 3. APPROVING CONSENT AGENDA * – items 3 through 45: Moved by Gatto to adopt the balance of the consent agenda. Motion Carried 7-0.
 - *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

CASEYS #3518

(K) LA CRUZ #3

COONEYS TAVERN

IN & OUT MARKET

(H) GIT N GO STORE #23 **GUSTO PIZZA CO**

(G) DES MOINES YACHT CLUB

TOBACCO OUTLET #503

(E)

(F)

(I)

(J)

(L)

21-0169 4. Approving Alcoholic Beverage License Applications for the following: Moved by Gatto to adopt. Motion Carried 7-0.

NEW APPLICATIONS

(A)	CASH SAVER #33	1320 E EUCLID AVE	E Liquor
(B)	FIRM	216 COURT AVE	C Liquor
(C)	LACHELES FINE FOODS	2716 INGERSOLL	C Liquor
(D)	STRANDED AT D & R	1922 HUBBELL AVE	C Liquor

RENEWAL APPLICATIONS

1907 A	ARMY POST RD	E Liquor
	BEAVER AVE	C Liquor
2617 I	NGERSOLL	C Liquor
2930 H	HICKMAN RD	C Beer
1905 I	NGERSOLL	C Beer/Wine
1829 6	6TH AVE	C Beer
3900 E	14TH ST	C Beer
400 EU	UCLID AVE	C Beer

SPECIAL EVENT APPLICATION

(M) GREAT CATERERS 3000 E GRAND AVE Five (5) Day License Class C Liquor License for Iowa Semmental Association event on February 13, 2021.

21-0170 5. <u>City Clerk</u> to issue Cigarette/Tobacco/Nicotine/Vapor Permits. Moved by Gatto to adopt. Motion Carried 6-1. Nays: Cownie.

<u>21-0171</u> <u>City Clerk</u> to issue Coin Operated Machine Licenses. Moved by Gatto to adopt. Motion Carried 7-0.

PUBLIC IMPROVEMENTS

- 7. Ordering construction of the following:
- (A) Euclid Avenue Three Lane Pilot Project 2nd Avenue to 12th Street: Receiving of bids, (2-23-21) and Setting date of hearing, (3-22-21). Engineer's estimate, \$150,000. (Council Communication No. 21-057) Moved by Gatto to adopt. Motion Carried 7-0.
- (B) 2021 PCC Residential Paving Program: Receiving of bids, (2-23-21) and Setting date of hearing, (3-22-21). Engineer's estimate, \$1,000,000. (Council Communication No. 21-056) Moved by Gatto to adopt. Motion Carried 7-0.
- <u>Women</u> of Achievement Bridge Lighting Improvements: Receiving of bids, (2-23-21) and Setting date of hearing, (3-22-21). Engineer's estimate, \$165,000. (Council Communication No. 21-054) Moved by Gatto to adopt. Motion Carried 7-0.
- 21-0175
 8. Approving and authorizing the execution of Iowa Department of Transportation (IDOT) Agreements for resurfacing with milling of Merle Hay Road (U.S. Highway 6) from Hickman Road to Douglas Avenue and Douglas Avenue (U.S. Highway 6) from Merle Hay Road to the Des Moines River. (Council Communication No. 21-058) Moved by Gatto to adopt. Motion Carried 7-0.
- <u>Approving</u> Change Order No. 1 with Jasper Construction Services, Inc. for additional work on River Bend and King Irving Sewer Separation Phase 2A, in an amount of \$555,030.67. (Council Communication No. 21-067) Moved by Gatto to adopt. Motion Carried 7-0.
- <u>Accepting</u> completed construction and approving final payment for 3226 University Avenue HVAC Replacement, Central Iowa Mechanical Company. Moved by Gatto to adopt. Motion Carried 7-0.

SPECIAL ASSESSMENTS

<u>Levying</u> Assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code and providing for the payment thereof, (Schedule No. 2021-02). Moved by Gatto to adopt. Motion Carried 7-0.

LAND/PROPERTY TRANSACTIONS

<u>21-0179</u>	12.	Approving Escrow Agreement for PUD Restoration for grading work associated with "Northridge" PUD in the vicinity of 4600 and 4700 E. 14 th Street. Moved by Gatto to adopt. Motion Carried 7-0.
<u>21-0180</u>	13.	Partially releasing Letter of Credit Surety for "Parkside Estates Plat 1", in the vicinity of 150 E. County Line Road. Moved by Gatto to adopt. Motion Carried 7-0.
<u>21-0181</u>	14.	<u>Releasing</u> Cash Bond Surety for "Waveland Park Townhomes Plat 1", located at 4805 Observatory Road. Moved by Gatto to adopt. Motion Carried 7-0.
<u>21-0182</u>	15.	<u>Releasing</u> PUD Restoration and Subdivision Bond for "Beaver Cove Plat 1", in the vicinity of 4209 Lower Beaver Road. Moved by Gatto to adopt. Motion Carried 7-0.
<u>21-0183</u>	16.	Releasing Letter of Credit Surety for "Brook Run Village Plats 13, 14 and 15", located north of E. Hull Avenue, west of Village Run Drive and south of E. Douglas Avenue. Moved by Gatto to adopt. Motion Carried 7-0.
<u>21-0184</u>	17.	<u>Authorization</u> to proceed with acquisition of the necessary property interests for the 34 th Street and Leado Avenue Intersection Improvements Project. (<u>Council Communication No.</u> 21-053) Moved by Gray to adopt. Motion Carried 7-0.

2/8/2021

BOARDS/COMMISSIONS/NEIGHBORHOODS

- <u>21-0185</u>
 18. <u>Receive</u> and refer communication from the Zoning Board of Adjustment regarding request for Development Services Department to review the signage regulations for signs on existing commercial buildings in "F" zoning districts. Moved by Gatto to receive the communication from the Zoning Board of Adjustment, and refer to the Development Services Department. Motion Carried 7-0.
- 21-018618I.Recommendationfrom Mayor and Council on appointments to the Food Security Task
Force. Moved by Gatto to adopt. Motion Carried 7-0.

COMMUNICATIONS FROM PLANNING AND ZONING

- <u>Regarding</u> request from Polk County Conservation Board (Applicant) for vacation of the following segments of public street in the vicinity of 3546 East Sheridan Avenue, for purpose of a project to remove the roadways and restore the area for incorporation into the Lower Fourmile Creek Greenway. Adjoining land is owned by Polk County. Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.
 - (A) East Sheridan Avenue from East 35th Street to East 36th Street.
 - (B) East 35th Street from Hull Avenue to Arthur Avenue.
 - (C) East 39th Street from East Jefferson Avenue to Four Mile Drive.
 - (D) Osceola Avenue from East 40th Street to East 41st Street.
 - (E) East 40th Street from Osceola Avenue to East Washington Avenue Right-of-Way developed with the Gay Lea Wilson Trail.
 - (F) East 41st Street from Osceola Avenue to Indianapolis Avenue.

SETTING DATE OF HEARINGS

- 21-0188
 20. On request from HJT, Inc (Jack Houghton, Officer) to rezone property located at 2101 Dixon Street from '11' Industrial District to Limited '12' Industrial District, to allow property to be used additionally for the transfer of hazardous and flammable materials, (2-22-21). Moved by Gatto to adopt. Motion Carried 7-0.
- 21-0189
 21. On request from Porter Hardware, Inc. (Owner) to rezone property locally known as 4207 Hubbell Avenue from 'MX3' Mixed Use District to 'CX' Mixed Use District, to allow the property with an existing Retail Sales, General and Vehicle Sales and Rental Equipment Use to expand to Retail Sales, Large Format with additional Warehouse and Accessory Outdoor Storage Use, (2-22-21). Moved by Gatto to adopt. Motion Carried 7-0.

<u>21-0190</u>	22.	On request from City of Des Moines (owner) to amend PlanDSM: Creating Our Tomorrow future land use designation in the vicinity of 1501 Harriet Street to be rezoned from 'II' Industrial District to 'P2' Public, Civic & Institutional, to allow the property to be developed with public recreation area use, (2-22-21). Moved by Gatto to adopt. Motion Carried 7-0.
<u>21-0191</u>	23.	<u>On</u> request from JC AM Group, LLC (Owner) to amend PlanDSM: Creating Our Tomorrow future land use classification and to rezone property located at 1503 5 th Avenue from 'N5' Neighborhood District to 'N5-2' Neighborhood to allow the property to be converted to a Two-Household use (duplex), (2-22-21). Moved by Gray to adopt. Motion Carried 7-0.
<u>21-0192</u>	24.	On the proposed Urban Renewal Plan for the Hilltop Urban Renewal Area located in the 3500-3600 block of Hubbell Avenue, at the intersection of E. Douglas Avenue and Kennedy Drive, (3-22-21). (Council Communication No. 21-065) Moved by Gatto to adopt. Motion Carried 7-0.
<u>21-0193</u>	25.	On request from JOPPA, LLC (Owner) to amend the PlanDSM: Creating Our Tomorrow Plan future land use classification from Low Density Residential to Low-Medium Residential and rezone property in the vicinity of 1010 13 th Street from 'N5' Neighborhood District to 'N5-2' Neighborhood District, to allow the property to be developed with a Two-Household Living use (duplex), (2-22-21). Moved by Gatto to adopt. Motion Carried 7-0.
<u>21-0194</u>	26.	On request from Catholic Health Initiatives – Iowa Corporation d/b/a Mercy Medical Center Des Moines (Owner) for review and approval of a proposed 7 th Amendment to Mercy Medical Center PUD Conceptual Plan on property located in the vicinity of 1111 6 th Avenue, to allow construction of a canopy on the building known as 411 Laurel Street and revision of the campus sign plan, (2-22-21). Moved by Gatto to adopt. Motion Carried 7-0.
<u>21-0195</u>	27.	On request from Jerry's Homes, Inc. for approval of a 2 nd Amendment to the Pearl Lake PUD Conceptual Plan, on property located at 3009 East Payton Avenue and in the vicinity of the 3001 block of East Payton Avenue, to allow revision to the street layout, change the property on the East Army Post Road frontage to large-lot One-Household lots from previously approved Townhomes, and reduce the minimum lot sizes for specified lots to have a minimum 70-foot width and minimum 9,600-square foot area. Additional property is owned by Janet Bainter and City of Des Moines, (2-22-21). Moved by Gatto to adopt. Motion Carried 7-0.
<u>21-0196</u>	28.	<u>On</u> request from Wesley Retirement Services, Inc. for approval of an amendment to the Wesley Acres PUD Conceptual Plan on property located at 3520 Grand Avenue and 401 37 th Street, (2-22-21). Moved by Gatto to adopt. Motion Carried 7-0.
<u>21-0197</u>	29.	On proposed amendments to Zoning Ordinance, (2-22-21). Moved by Westergaard to adopt. Motion Carried 7-0.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- <u>21-0198</u>30. <u>Approving</u> payment for the property claim of Owners Insurance Company as subrogee for Bernadine Rewalt. Moved by Gatto to adopt. Motion Carried 7-0.
- 21-019931. Approving payment for the claim of Polito's La Pizza House. Moved by Gatto to adopt.
Motion Carried 7-0.
- 21-0200 32. Approving retention of outside Counsel. Moved by Gatto to adopt. Motion Carried 7-0.
- 21-0201 33. <u>Approving</u> retention of outside Counsel. Moved by Gatto to adopt. Motion Carried 7-0.

APPROVING

- 21-0202 34. Preliminary terms of an Urban Renewal Development Agreement with Stapek Partners, LLC (Tim Rypma) for the historic renovation of the existing 17,657 square-foot commercial building located at 112 SE 4th Street. (Council Communication No. 21-064) Moved by Gatto to adopt. Motion Carried 7-0.
- <u>Final</u> terms of an Urban Renewal Development Agreement with 3801 Grand Associates, L.P. and Newbury Management Company (Frank Levy, President) for the construction of a 56-unit multi-residential apartment building located at 3705-3707 Grand Avenue. (Council Communication No. 21-059) Moved by Gatto to adopt. Motion Carried 7-0.
 - 36. Number Not Used.
 - 37. Number Not Used.
 - 38. Number Not Used.
- <u>Submittal</u> of Transportation Alternative Program (TAP)/Federal Surface Transportation Block Grant (STBG) set-aside program fiscal year (FY) 2025 application to Des Moines Metropolitan Planning Organization (MPO) for Central Place Levee Trail, Phase 2. (<u>Council</u> <u>Communication No. 21-050</u>) Moved by Gatto to adopt. Motion Carried 7-0.
- 40. <u>Access</u> and Indemnification Agreement with Dico, Inc. and Titan International, Inc. to allow asbestos inspection on the Dico property. **Moved by Gatto to adopt. Motion Carried 7-0.**
- <u>21-0206</u>41. Loan Agreement Extension with U.S. Navy for public display of USS Des Moines model.Moved by Gatto to adopt. Motion Carried 7-0.
- <u>21-0207</u>42. <u>Receive</u> and file Quarterly Treasurer's Report as of December 31, 2020. Moved by Gatto to receive and file. Motion Carried 7-0.

- <u>Approving</u> traffic paint purchase from Diamond Vogel Paint, (Jeff Powell, President) per Iowa Department of Transportation (IDOT) Contract 7697, \$65,000. (Council Communication No. 21-069) Moved by Gatto to adopt. Motion Carried 7-0.
- <u>Authorizing</u> Finance Director to draw on checks <u>registers</u> for the weeks of February 8 and 15, 2021; to draw checks for the <u>bills</u> of the Des Moines Municipal Housing Agency for the weeks of February 8 and 15, 2021; to draw checks for biweekly payroll due February 12, 2021. Moved by Gatto to adopt. Motion Carried 7-0.

ORDINANCES - SECOND CONSIDERATION

- <u>21-0210</u>
 45. <u>Rezone</u> property at 3900 Southeast 34th Street from 'F' Flood District to Limited 'N2b' Neighborhood District to allow the property to be filled and developed with a One-Household Living Dwelling use. Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.
- (A) Final consideration of ordinance above (waiver requested by James Andrew and Nancy M. Albright-Andrew, Owners), requires six votes. Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,973. Motion Carried 7-0.

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ORDINANCES - FIRST CONSIDERATION

<u>Amending</u> Sections 26-904 and 26-905, relating to revised deadlines for submittal of energy and water use benchmarking reports and exemptions. (<u>Council Communication No. 21-052</u>) Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Nays: Gatto and Westergaard.

WITHDRAWN 21-0213

(A) <u>Final</u> consideration of ordinance above (waiver requested by City Manager), requires six votes.

<u>Amending</u> Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: (<u>Council Communication No. 21-070</u>) Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

- (A) Code Modification to extend commercial loading zone on the east side of 18th Street between Woodland and Grand Avenues.
- (B) Code Modifications to restrict parking and remove commercial loading zone on the west side of 5th Avenue between Mulberry and Walnut Streets.

(C) Final consideration of ordinance above, requires six votes. Moved by Mandelbaum that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,974. Motion Carried 7-0.

APPROVING

- <u>21-0216</u> 47I. <u>Public</u> Works Stormwater Infrastructure Advisory Committee's <u>Annual Report</u> regarding the status of community goals. (<u>Council Communication No. 21-051</u>) Moved by Boesen to receive and file such Annual Report. Motion Carried 7-0.
- <u>Proposed</u> Preliminary District Plan for the Capital City Reinvestment District and approving the submission of a pre-application to the Iowa Economic Development Authority (IEDA) for provisional approval of the District. (<u>Council Communication No. 21-060</u>) Moved by Mandelbaum to adopt. Motion Carried 7-0.
- 21-021848I. Support of the proposed pre-application for the Merle Hay Campus Reinvestment District.
(Council Communication No. 21-061) Moved by Gray to adopt. Motion Carried 7-0.
- 21-0219 48II. Preliminary terms for sale and/or lease of City-owned property and for an Urban Renewal Development Agreement with Krause+ for the phased, master planned redevelopment of approximately 60-acres of property, south of Martin Luther King, Jr. Parkway, east of the Raccoon River and 6-acres of property in the Western Gateway area, bounded by High Street and Grand Avenue between 15th, 16th, and 17th Streets. (Council Communication No. 21-062) Moved by Mandelbaum to adopt. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

- <u>21-0220</u> 49. <u>Requests</u> to speak as follows: **Moved by Gatto to receive and file. Motion Carried 7-0.**
 - (A) Adam Callanan.
 - (B) Holly Herbert.
 - (C) Molly Arndt.
 - (D) Brenda McDonald.

- (E) Debi Howell.
- (F) Casey Erixon.
- (G) Lenin Cardwell.
- (H) Jaylen Cavil.
- (I) Denver Foote.
- (J) Jacob Grobe.
- (K) Jalesha Johnson.
- (L) Harleigh Boldridge.
- (M) Bridget Pedersen.
- (N) Rev. Emily E. Ewing.
- (O) Paden Sheumaker.
- (P) Vanessa Moranchel.
- (Q) Indira Sheumaker.
- (R) Leah Plath.

HEARINGS (OPEN AT 5:03 P.M.) (ITEMS 50 THRU 56)

- 21-0221
 50. On city-initiated request to vacate a portion of Raccoon Street and alley right-of-way located between Southeast 4th Street and Southeast 5th Street, North of East Martin Luther King, Jr. Parkway. Moved by Gatto to adopt. Motion Carried 7-0.
- (A) <u>First</u> consideration of ordinance above. Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.
- (B) Final consideration of ordinance above (waiver requested by Phillip Wageman, Real Estate Division Manager), requires six votes. Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,975. Motion Carried 7-0.
- <u>21-0224</u>
 51. <u>On</u> vacation of the East-West alley right-of-way located in the block bounded by 1st Street, Oxford Street, Sheridan Avenue and Arthur Avenue, and conveyance to Glaser Holdings, LLC for \$3,600. Moved by Westergaard to adopt. Motion Carried 7-0.
- 21-0225(A) First consideration of ordinance above. Moved by Westergaard that this ordinance
be considered and given first vote for passage. Motion Carried 7-0.
- (B) Final consideration of ordinance above (waiver requested by Phillip Wageman, Real Estate Division Manager), requires six votes. Moved by Westergaard that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, <u>#15,976</u>. Motion Carried 7-0.

21-0227	 52. On Third Amendment to lease agreement with South Des Moines Little League for the James W. Cownie Baseball Park. (Council Communication No. 21-063) Moved by Gatto to adopt. Motion Carried 7-0.
<u>21-0228</u>	53. To adopt a resolution establishing the total maximum property tax dollars certified for levy for fiscal year ending June 30, 2022. Requires five affirmative votes. (Council Communication No. 21-071) Moved by Gatto to adopt. Motion Carried 7-0.
<u>21-0229</u>	 54. 2021 Bridge and Culvert Repair: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), \$244,475. (Council Communication No. 21-055) Moved by Voss to adopt. Motion Carried 7-0.
<u>21-0230</u>	 (A) <u>Approval</u> of contract and bond and permission to sublet. Moved by Voss to adopt. Motion Carried 7-0.
<u>21-0231</u>	55. On 2021 Neighborhood Sidewalk Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as TK Concrete, Inc, (Tony J. VerMeer, President), \$821,579. (Council Communication No. 21-068) Moved by Gatto to adopt. Motion Carried 7-0.
<u>21-0232</u>	 (A) <u>Approval</u> of contract and bond and permission to sublet. Moved by Gatto to adopt. Motion Carried 7-0.
<u>21-0233</u>	56. On Ingersoll Avenue Streetscape from 24 th Street to 28 th Street (north side): Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as Jasper Construction Services, Inc, (Clifford Rhoads, President), \$3,262,736. (Council Communication No. 21-066) Moved by Mandelbaum to adopt. Motion Carried 7-0.
21-0234	(A) Approving contract and bond and permission to sublet. Moved by Mandelbaum to

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**** END OF HEARINGS 5:31 PM ****

21-0235 MOTION TO ADJOURN. Moved by Cownie to adjourn at 6:17 PM. Motion Carried 7-0.

adopt. Motion Carried 7-0.

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