

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

June 3, 2024
5:00 PM

I. CLOSED SESSION – 4:00 PM

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C, of the Iowa Code, to discuss as necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

* * * * *

PROCLAMATIONS – 4:45 PM

Pride Month
National Gun Violence Awareness Day
80th Anniversary of D-Day

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 31:

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless pursuant to Council rules, Council requests an item be removed to be considered separately.**

LICENSES AND PERMITS

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

NEW APPLICATION

(A) IOWA STATE FAIR 3000 E GRAND AVE Class B Retail

RENEWAL APPLICATIONS

(B) 503 COCKTAIL LAB 503 E LOCUST ST Class C Liquor
(C) BLAZE PIZZA 300 W MLK JR PKWY Special Class C
(D) CJS II 316 E 30TH ST Class C Liquor
(E) CONTINENTAL 407 E 5TH ST Class C Liquor
(F) COURT AVE BREWING 309 COURT AVE Class C Liquor
(G) EASYGO 2723 GRAND AVE Class E Liquor
(H) EL RANCHO ALEGRE 3308 INDIANOLA AVE Class C Liquor
(I) GIT N GO STORE #31 2601 SW 9TH ST Class B Retail
(J) MULLETS 1300 SE 1ST ST Class C Liquor
(K) QUIKTRIP #516 1000 E UNIVERSITY AVE Class B Retail
(L) STOP N SHOP #519 727 SE 14TH ST Class B Retail
(M) THAI FLAVOR 2301 INGERSOLL AVE Class C Liquor

SPECIAL EVENT APPLICATIONS

(N) CAJUN FEST 313 WALNUT ST 5 days
CLASS C LIQUOR LICENSE FOR FESTIVAL ON JUNE 22, 2024.

(O) DM ARTS FESTIVAL 1329 GRAND AVE 5 days
CLASS C LIQUOR LICENSE FOR FESTIVAL ON JUNE 28- 30, 2024.

(P) DM ARTS FESTIVAL 1408 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR FESTIVAL ON JUNE 28- 30, 2024.

(Q) DM ARTS FESTIVAL 1200 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR FESTIVAL ON JUNE 28- 30, 2024.

(R) DM ARTS FESTIVAL 1000 GRAND AVE (VIP AREA) 5 days
CLASS C LIQUOR LICENSE FOR FESTIVAL ON JUNE 28- 30, 2024.

(S) DM ARTS FESTIVAL 1501 GRAND AVE 5 days
CLASS C LIQUOR LICENSE FOR FESTIVAL ON JUNE 28- 30, 2024.

(T) HACHA & MACHETE INC 3115 DOUGLAS AVE 5 days
CLASS C LIQUOR LICENSE FOR OPEN HOUSE AND BLUE RIBBON CUT ON
JUNE 21, 2024.

- (U) SA PRESENTS 2251 GEORGE FLAGG PKWY 5 days
CLASS C LIQUOR LICENSE FOR REO SPEEDWAGON ON JUNE 21, 2024.
 - (V) SALISBURY HOUSE 4025 TONAWANDA DR 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR MIDSUMMER
MAGIC ON JUNE 20, 2024.
 - (W) SHOP DSM, THE 901 CHERRY ST BEER TENT 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR THURSDAY AT
THE SHOP ON JUNE 13, 2024.
 - (X) SHOP DSM, THE 901 CHERRY ST BEER TENT 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR THURSDAY AT
THE SHOP ON JUNE 6, 2024.
 - (Y) YOUR PRIVATE BAR 4025 TONAWANDA DR 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING RECEPTION ON JUNE 6, 2024.
5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:
- (A) [2024](#) HMA Resurfacing Program Contract 2: Receiving of bids, (6-18-24) and
Setting date of hearing, (7-15-24), Engineer's estimate, \$750,000.

([Council Communication No. 24-231](#))
 - (B) [Birdland](#) Pool Repair and Painting Improvements: Receiving of bids, (6-18-24) and
Setting date of hearing, (7-15-24), Engineer's estimate, \$340,000.

([Council Communication No. 24-232](#))
7. [Approving](#) Iowa Department of Transportation (IDOT) Supplemental Agreement for
maintenance of primary roads in municipalities including emergency maintenance of State
of Iowa owned traffic signals from July 1, 2024 to June 30, 2025.
8. [Acceptance](#) of a proposal from MidAmerican Energy Company to remove existing utility
poles and relocate overhead electrical utilities underground for the Southeast Connector
Project from SE 30th Street to U.S. Highway 65, estimated cost \$433,936.92.

([Council Communication No. 24-226](#))

9. [Approving](#) Change Order No. 1 with InRoads, LLC for additional work on SW 56th Street Rehabilitation from Leland Avenue to Wolcott Circle, \$125,920.

[\(Council Communication No. 24-224\)](#)

10. Accepting completed construction and approving final payment for the following:
 - (A) [Animal](#) Control Facility Bid Package No. 17 – Landscaping, Alpha Landscapes LLC.
 - (B) [McHenry](#) Park and Sheridan Park Improvements, Alpha Landscapes LLC.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2024-06.

LAND/PROPERTY TRANSACTIONS

12. [Approving](#) 16 tax abatement applications for work completed in 2024.

[\(Council Communication No. 24-239\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

13. [Recommendation](#) from Mayor Boesen to appoint Drew Kelso to the Library Board of Trustees, Seat 4, for a six-year term commencing on June 17, 2024, and expiring June 30, 2030.
14. [Approving](#) updated bylaws for the Historic Preservation Commission.

[\(Council Communication No. 24-238\)](#)

SETTING DATE OF HEARINGS

- ~~15. [On](#) first amendment to a license agreement with the Des Moines Area Regional Transit Authority (DART) for bus benches in street right-of-way, (6-17-24).~~
16. [On](#) vacation of a portion of SE 23rd Street right-of-way adjoining 2200 Maury Street and conveyance to Kemin Holdings, LC for \$45,600, (6-17-24).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

17. [Approving](#) payment to Farmers Insurance on behalf of its insured Chou Panyavong.

CITY MANAGER COMMUNICATIONS

18. [Submitting](#) travel and training requests for Connie Boesen, Joseph Nolte, Roger Nowadzky and Kelly Simmons.

[\(Council Communication No. 24-247\)](#)

APPROVING

19. [Reprogramming](#) of prior years' unspent Community Development Block Grant (CDBG) funds, to be included in the 2024 Annual Action Plan as part of the 2020-2024 Consolidated Plan under the U.S. Department of Housing and Urban Development (HUD).

[\(Council Communication No. 24-234\)](#)

20. [Request](#) to Polk County Treasurer and approving agreements with nonprofits for assignment of tax sale certificates for various properties for development and/or rehabilitation of housing.

[\(Council Communication No. 24-236\)](#)

21. [Workforce](#) Housing Tax Credit (WHTC) benefit application to be submitted to the Iowa Economic Development Authority (IDEA) for Scott Avenue Landing, LLC for a \$12,856,000 project constructing 34 multi-story townhome units at 417 Scott Avenue.

[\(Council Communication No. 24-240\)](#)

22. [Termination](#) of existing Neighborhood Commercial Revitalization (NCR) Program Grant Agreement with Joppa Experience LLC, reallocation of funds from NCR Round 3- American Rescue Plan Act (NCR Round 3-ARPA) to economic development loan and grant, and authorizing execution of development agreement with Joppa Experience LLC.

[\(Council Communication No. 24-241\)](#)

23. [Exception](#) to request for proposal (RFP) process for good cause and approving agreement with EMC Risk Services, LLC d/b/a EMC Claims Solutions for provision of occupational medical and pharmacy claim administration services for City employees, July 1, 2024 through June 30, 2030.

[\(Council Communication No. 24-233\)](#)

24. [Accepting](#) a grant award for the 2025 State of Iowa, Byrne Justice Assistance Grant (JAG) issued by the State of Iowa Department of Public Safety, Office of Drug Control Policy, \$16,500.

[\(Council Communication No. 24-237\)](#)

25. [Contract](#) with Frontline Warning Systems, Inc. for design, installation and software services for outdoor warning system replacement, not to exceed \$1,712,727.50.

[\(Council Communication No. 24-245\)](#)

26. [Exception](#) to the procurement ordinance competitive bidding requirement for good cause for the procurement of maintenance and service for the City website from Revize, LLC, and approving negotiation and execution of an agreement with Revize, LLC.

[\(Council Communication No. 24-244\)](#)

27. [Purchase](#) of Microsoft Fabric from Insight Public Sector, Inc. (Joyce Mullen, President and CEO) per Omnia contract for use by the Information Technology Department, \$100,915.20.

[\(Council Communication No. 24-246\)](#)

28. [Purchase](#) of emulsified asphalt materials from Bituminous Materials and Supply, LP (Dan Quigley, Plant Manager) sole area-wide provider for use by the Public Works Department, \$500,000.

[\(Council Communication No. 24-243\)](#)

29. [Purchase](#) of granular deicer products from Central Salt, LLC (Thomas Peterson, President/General Manager) per Central Iowa Salt Group contract for use by the Public Works Department, \$432,120. (5 bids mailed, 3 received)

30. Abatement of public nuisances as follows:

- (A) [603](#) Glenview Drive.
- (B) [1509](#) Des Moines Street.

31. [Authorizing](#) Finance Director to draw checks on registers for the weeks of June 3 and 10, 2024; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 3 and 10, 2024; to draw checks for biweekly payroll due June 14, 2024.

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

HEARINGS (OPEN AT 5:00 PM) (ITEMS 32 THRU 39)

32. [Dismissing](#) hearing on vacation of Allen Street right-of-way lying southeast of 466 SE 2nd Street and approval of a Lease Agreement for a public parking lot with SingleSpeed Des Moines, Inc., \$1,000.
33. [On](#) vacation of a portion of SE 6th Street right-of-way adjoining 2428 SE 6th Street and conveyance of a Permanent Easement for Building Encroachment to Jerry F. Miller and Barbara L. Miller in exchange for property rights granted to the City for the 2023 Neighborhood Sidewalk Program.
 - (A) [First](#) consideration of ordinance above.
34. [On](#) a request from Lawnwoods Property, LLC (Leland Hecker, Officer) to amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of 3004 30th Street from Low Density Residential to Neighborhood Mix Use and to rezone the property from “N3b” Neighborhood District to “RX1” Mixed Use District.
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
35. [On](#) a request from Norma Tamay, Carlos Tamay, and James Tamay (Owners) to amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of two (2) parcels located in the vicinity of 1201 Euclid Avenue from Low-Medium Density Residential to Community Mixed Use and to rezone the property from “NX1” Neighborhood Mix District to Limited “MX1” Mixed Use District, to allow the use of an existing building as a convenience store (commercial) use.
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by the applicants), requires six votes.
36. [On](#) 2024 Hot Mix Asphalt (HMA) Resurfacing Program Contract 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Grimes Asphalt and Paving Corporation (Jeffrey Rasmussen, President), \$1,005,601.50.

[\(Council Communication No. 24-227\)](#)

- (A) [Approval](#) of contract and bond.

37. On 2024 Hot Mix Asphalt (HMA) Rural Paving Program – Local Option Sales and Service Tax (LOSST): Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Grimes Asphalt and Paving Corporation (Jeffrey Rasmussen, President), \$456,744.

(Council Communication No. 24-228)

(A) Approval of contract and bond.

38. On Brenton Skating Plaza Building Repair: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Hildreth Construction Services, LLC (Mark R. Hildreth, Owner), \$343,125.31.

(Council Communication No. 24-229)

(A) Approval of contract and bond.

39. On SW 9th Street Rehabilitation from Emma Avenue to Leach Avenue: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as TK Concrete, Inc. (Tony J. Ver Meer, President), \$575,841.

(Council Communication No. 24-230)

(A) Approval of contract and bond.

****END HEARINGS AT _____PM****

APPROVING II

40. Urban Renewal Development Agreement and Parking License Agreement with American Equity Investment Life Insurance Company for the relocation of 650 employees, a 10-year lease for 131,900 square-foot of office space at 1100 Locust Street, and a minimum of 120 parking spaces located at 1200 Mulberry or 9th and Locust parking ramps.

(Council Communication No. 24-242)

ORDINANCES FIRST CONSIDERATION

41. [Amending](#) Chapter 46 of the Municipal Code relating to the fine for the use of consumer fireworks within the city limits.

COMMUNICATIONS/REPORTS

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

- (A) Sylvia Nemmers
- (B) Jenny King
- (C) Brooke Sodders
- (D) Lu Hallmeyer
- (E) Tasida Barfoot
- (F) Abby Bankes
- (G) Kaleb Van Fosson
- (H) Luis Gomez
- (I) Elizabeth Leas
- (J) Heather Armstrong
- (K) Jacey Van Roekel
- (L) Giada Morresi
- (M) Adam Callanan
- (N) Mosi Mandil

MOTION TO ADJOURN.

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