

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

**December 9, 2024  
5:00 PM**

**I. CLOSED SESSION – 3:30 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 and Section 20.17(3) of the Code of Iowa to discuss collective bargaining strategy.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

\* \* \* \* \*

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 39:

**\*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 APPLICATIONS

(A) FAT PUTTER, THE	713 WALNUT ST	Class C Liquor
(B) WESLEY ON GRAND	3520 GRAND AVE	Class C Liquor

### RENEWAL APPLICATIONS

(C) AIR LANES	4200 FLEUR DR	Class C Liquor
(D) B & B SUPER MARKET	2001 SE 6TH ST	Class B Retail
(E) BASIC BIRD	2607 BEAVER AVE	Class C Liquor
(F) BUFFALO WILD WINGS	3311 SE 14TH ST	Class C Liquor
(G) CHAMPS CLUB & PATIO	2279 HUBBELL AVE	Class C Liquor
(H) FELIX & OSCARS	4050 MERLE HAY RD	Class C Liquor
(I) GARDEN NIGHTCLUB	525 E GRAND AVE	Class C Liquor
(J) HY VEE FOOD STORE #2	2540 E EUCLID AVE	Class E Liquor
(K) JUNIPER MOON	2005 INGERSOLL AVE	Class C Liquor
(L) LA TAPATIA GROCERY	1440 DES MOINES ST	Class B Retail
(M) LA TAPATIA III	4007 SE 13TH ST	Class B Retail
(N) LICKETY LIQUOR	2501 HUBBELL AVE	Class E Liquor
(O) NOCE	1326 WALNUT ST	Class C Liquor
(P) PEGGYS TAVERN	3020 FOREST AVE	Class C Liquor
(Q) QUIK TRIP #523R	849 ARMY POST RD	Class B Retail
(R) QUIKTRIP #535	1501 E GRAND AVE	Class B Retail
(S) RICOCHET	400 LOCUST ST #105	Class C Liquor
(T) SMOKE SHOP	1918 SE 14TH ST	Class E Liquor
(U) SOUTH SIDE SMOKE	3324 INDIANOLA AVE	Class B Retail
(V) SUDSUCKERS	1511 E ARMY POST RD	Class C Liquor
(W) SUPER QUICK 2	1824 HUBBELL AVE	Class E Liquor
(X) TASTE! TO GO	322 E COURT AVE #100	Class C Liquor
(Y) TOP IT OFF	100 INDIANA AVE	Class C Liquor
(Z) TRIANGLE TAP	2506 POST ST	Class C Liquor
(AA) TULLPA RESTAURANT	3708 MERLE HAY RD	Class C Liquor
(BB) WEST END WINES	22 9TH ST	Class C Liquor

### SPECIAL EVENT APPLICATIONS

(CC) APRES BAR CO	519 PARK ST	5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR BOYS AND GIRLS CLUB EVENT ON DECEMBER 13, 2024.		

(DD) APRES BAR CO 100 LOCUST ST 5 days  
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR BULL MOOSE CLUB  
EVENT ON DECEMBER 17, 2024 AND CLASS C LIQUOR LICENSE FOR MAD  
HATTER EVENTS ON DECEMBER 20 – 21, 2024.

(EE) HARKIN INSTITUTE 2800 UNIVERSITY AVE 5 days  
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR IOWA WRITERS  
COLLABORATIVE ON DECEMBER 13, 2024.

5. [City](#) Clerk to issue Coin Operated Machine Licenses.

## PUBLIC IMPROVEMENTS

6. [Authorizing](#) submittal of Federal Surface Transportation Block Grant (STGB) Program Fiscal Year (FY) 2029 applications to the Des Moines Area Metropolitan Planning Organization (MPO).

[\(Council Communication No. 24-484\)](#)

7. [Authorizing](#) City Engineer to sign Letter of No Objection, with stated qualifications, to be submitted to the United States Army Corps of Engineers (USACE) by ICON Water Trails to start the Section 408 permit review for the Fleur Drive Site, located upstream (west) of the Coleman Bridge to the north of Gray's Lake and will include improvements adjacent to and directly on top of the existing flood control levee.

[\(Council Communication No. 24-478\)](#)

8. [Approving](#) Change Order No. 1 with Grimes Asphalt and Paving Corporation for additional work on 2024 HMA Rural Paving Program – LOSST, \$317,981.11

[\(Council Communication No. 24-479\)](#)

9. Items regarding Closes Creek Storm Sewer Improvements Phase 3:

(A) [Approving](#) Change Order No. 7 with S.M. Hentges & Sons, Inc. for additional work, \$198,576.75.

[\(Council Communication No. 24-480\)](#)

(B) [Accepting](#) completed construction and approving final payment.

10. [Approving](#) Private Construction Contract between Alliance Construction Group, LLC and J. Larson Homes, LLC for paving improvements in Three Lakes Estates Plat 13 in the vicinity of E. Army Post Road and Indianola Road.

11. [Approving](#) completion and acceptance of Private Construction Contract for storm sewer improvements at 7700 Fleur Drive between Eggers Plumbing Inc. and JW Congregation Support, Inc.
12. Accepting completed construction and approving final payment for the following:
  - (A) [Evelyn](#) K. Davis Park Basketball Court Improvements – Gruss Construction, LLC.
  - (B) [2024](#) Riverwalk Improvements, Paver Replacement – Alpha Landscapes LLC.
  - (C) [Principal](#) Park Phase 1 Improvements – BallTeam, LLC.
  - (D) [SW](#) 8<sup>th</sup> Street Viaduct Rehabilitation – Jasper Construction Services, Inc.

### **SPECIAL ASSESSMENTS**

13. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2024-12.
14. [Deletion](#) of NAC – Emergency Assessment at 2018 King Avenue.

### **LAND/PROPERTY TRANSACTIONS**

15. [Approving](#) 42 tax abatement applications for work completed in 2024.

[\(Council Communication No. 24-507\)](#)

### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

16. [Approving](#) appointments to the Youth Advisory Board for a 12-month term expiring July 31, 2025, as follows:
  - ~~(A) Shatiana Cooper~~
  - ~~(B) Vonjae Hardiman~~
  - ~~(C) Jermaisha McIntyre~~
  - (D) Ian Schaffer
  - ~~(E) Destiny Smith~~
  - (F) Kaj Robinson
  - (G) Angel Pavon
17. [Approving](#) the appointment of members to the Iowa Soccer Development Foundation, Inc. Board of Directors.

18. [Approving](#) recommendation from Mayor Boesen to appoint Council Member At Large Mike Simonson, in place of City Manager Scott Sanders, to the Invest DSM Board effective immediately.

#### **SETTING DATE OF HEARINGS**

19. [On](#) vacation of the north/south alley right-of way lying west of and adjoining 2116 Searle Street and conveyance to Leonard Cosimo, \$50, (12-23-24).
20. [On](#) request from 414 61st Street, LLC (Daniel Doyle, Officer) for property located in the vicinity of 414 61st Street to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of the property from Parks and Open Space and Development Control to Community Mixed Use and to rezone the property from “F” Flood District to “RX1” Mixed Use District, to allow reuse of an existing building as an office, (12-23-24).

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

21. [Approving](#) payment to Matt and Shawna Sample for a property damage claim.
22. [Approving](#) payment to the Lee M. Mitchell Trust and Margaret V. Mitchell Trust.
23. [Approving](#) retention of outside counsel.

#### **APPROVING**

24. [Grant](#) agreements with the U.S. Department of Housing and Urban Development (HUD) for funding of the City's 2024 Action Plan, which is the fifth year of the 2020-2024 Consolidated Plan.

[\(Council Communication No. 24-504\)](#)

25. Number not used.

26. [First](#) amendment to an urban renewal development agreement with Valo Apartments, LLC (Brent Dahlstrom, Managing Partner, Merge LLC) for the construction of a \$22 million, 108,000-square-foot mixed-use development at the southeast corner of 25th Street and Carpenter Avenue.

[\(Council Communication No. 24-494\)](#)

27. [First](#) Amendment to an Offer to Purchase Real Estate with Kemin Holdings LC regarding an estimated 5.37 acres of excess City property located at the northeast corner of SE 23rd Street and Maury Street.

[\(Council Communication No. 24-496\)](#)

28. [Termination](#) Agreement with Wells Fargo Financial regarding the Minimum Assessment Agreement (MAA) for the property at 801 Walnut Street.

[\(Council Communication No. 24-495\)](#)

29. [Reinvestment](#) District Contract with the Iowa Economic Development Authority (IEDA) for the Capital City Reinvestment District.

[\(Council Communication No. 24-492\)](#)

30. [Downtown](#) Des Moines Self-Supported Municipal Improvement District (SSMID) Operating Agreement.

[\(Council Communication No. 24-493\)](#)

31. [28E](#) Agreement with Polk County for provision of services for individuals seeking support and referrals for treatment for substance abuse and acute mental health services.

32. [28E](#) Agreement for Mutual Assistance for Polk County Fire/Rescue Services.

33. [Partnership](#) Agreement with the Iowa Environmental Council in support of the City's application to the U.S. Environmental Protection Agency (EPA) Community Change Grant Program.

34. [Joint](#) sponsorship agreement with Central Iowa Health System, d/b/a UnityPoint Health – Des Moines (UPHDM) regarding Brenton Skating Plaza Zamboni.

[\(Council Communication No. 24-502\)](#)

35. [Communication](#) from the Greater Des Moines Partnership on behalf of Iowa Credit Union League, requesting approval of placement for up to 60 banners to be displayed on banner poles in downtown Des Moines beginning January 1, 2025.

36. [Communication](#) from the Greater Des Moines Partnership on behalf of Iowa Medical Society, requesting approval of placement for up to 25 banners to be displayed on banner poles in downtown Des Moines beginning January 1, 2025.

- 37. [Purchase](#) from Safeware, Inc. (Edward A. Simons, President) of seventy (70) air purifying respirators per State of Iowa Contract and Omnia Agreement for use by the statewide Weapons of Mass Destruction Teams, \$144,523.60 using 2024 WMD Homeland Security Grant.

([Council Communication No. 24-477](#))

- 38. [City](#) Street Financial Report to Iowa Department of Transportation (IDOT) for fiscal year 2024.

([Council Communication No. 24-499](#))

- 39. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 9 and 16, 2024; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 9 and 16, 2024; to draw checks for biweekly payroll due on December 13, 2024.

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

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 40 THRU 52)**

- 40. [On](#) conveyance of vacated alley right-of-way located west of and adjoining 822 SE 12<sup>th</sup> Street to Micheal Cortez for \$50.
- 41. [On](#) request from Michael Renovations, LC (Michael Grundberg, Officer) for property located in the vicinity of 629 49th Street to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of the property from Low Density Residential to High Density Residential and to rezone the property from “N5-4” Neighborhood District to Ltd. “NX2” Neighborhood Mix District to allow the reconstruction of an existing covered parking structure and retaining wall. **Requires six votes for approval due to neighborhood opposition.**
  - (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
- 42. [On](#) request from 36 on 6th, LLC (Tim Bratvold, Officer) for property located at 3614 6th Avenue and 3612 6th Avenue to rezone the property from “MX1” Mixed Use District to “MX2” Mixed Use District to allow an existing building to be used for an “Eating and Drinking Places – Bar” use, which requires a Conditional Use in the “MX2” District.
  - (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

43. On request from JC AM Group, LLC (John Cheng, Officer) for the following regarding property located at 1419 Pennsylvania Avenue to rezone the property from “N3c” Neighborhood District to Limited “N3c-2” Neighborhood District to allow reuse of the existing structure for a duplex use **continued from the November 18, 2024 Council meeting**.

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

44. On approval of U.S. Department of Housing and Urban Development (HUD) substantial amendment to the HOME Investment Partnerships Program – American Rescue Plan Allocation Plan (HOME-ARP).

(Council Communication No. 24-503)

45. On 2025 Neighborhood Sidewalk Program: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, and receive and file bids.

(Council Communication No. 24-491)

46. On 41<sup>st</sup> Street and Beaver Avenue Intersection Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as InRoads, LLC, (Joseph J. Manatt, CEO), \$545,975.50.

(Council Communication No. 24-486)

(A) Approval of contract and bond.

47. On Central Place Levee Trail Phase 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Peterson Contractors, Inc. (Cordell Peterson, President), \$1,402,042.

(Council Communication No. 24-490)

(A) Approval of contract and bond.



48. On George Flagg Parkway and Fleur Drive Floodgate Closure: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as WRH, Inc. (James G. Rich, President), \$2,084,416.

[\(Council Communication No. 24-487\)](#)

- (A) Approval of contract and bond.

49. On Woodland Cemetery Road Construction: 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), \$262,124.

[\(Council Communication No. 24-489\)](#)

- (A) Approval of contact and bond.

50. Items regarding the Sayers Park Sprayground project:

- (A) Approving Supplemental Agreement No. 1 to the Professional Services Agreement with Bolton & Menk, Inc. for additional work on the Sayers Park Sprayground Design, not to exceed \$66,500.

[\(Council Communication No. 24-482\)](#)

- (B) Hearing, approving plans, specifications, form of contract documents, and engineer's estimate on Sayers Park Sprayground; receive and file bids; and designation of lowest responsive, responsible bidder as The Henley Group, LLC (Tyler Henley, President) \$1,146,375.60.

[\(Council Communication No. 24-483\)](#)

- (1) Approval of contract and bond.

51. On E. 8<sup>th</sup> Street and E. Market Street Pump Station: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Henkel Construction Company (Kent Brcka, President), \$13,672,392.10.

[\(Council Communication No. 24-488\)](#)

- (A) Approval of contract and bond.

52. On E. Army Post Road and SE 36<sup>th</sup> Street Roundabout: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Manatt’s, Inc. (Brian L. Manatt, President), \$2,146,688.74.

([Council Communication No. 24-485](#))

- (A) Approval of contract and bond.

\*\*\*\*END HEARINGS AT \_\_\_\_\_PM\*\*\*\*

### **ORDINANCES FIRST CONSIDERATION**

53. Number not used.
54. Repeal and replace Chapter 61 of the Municipal Code relating to property maintenance and vacant property.

([Council Communication No. 24-505](#))

- (A) Final consideration of ordinance above (waiver requested by Chris Johansen, Neighborhood Services Director), requires six votes.

55. Amending Chapter 74 of the Municipal Code relating to Parks and Recreation.

([Council Communication No. 24-500](#))

- (A) Final consideration of ordinance above (waiver requested by Ben Page, Parks and Recreation Director), requires six votes.
- (B) Approval of updated City of Des Moines Parks and Recreation Rules.

([Council Communication No. 24-501](#))

### **COMMUNICATIONS/REPORTS**

56. Requests to speak as follows:

- (A) Giada Morresi

MOTION TO ADJOURN.

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