



*** 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 '24-' 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
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

- [24-0776](#) (A) Roll Call. **Present: Boesen, Simonson, Voss, Coleman, Westergaard, Mandelbaum and Gatto. Council Member Voss participated in the meeting by phone.**
- [24-0777](#) (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. **Moved by Coleman to adopt. Second by Gatto. Motion Carried upon roll call 7-0.**
- [24-0778](#) (C) Closed Session.
- [24-0779](#) (D) Terminate closed session and reconvene in open session. **Moved by Gatto to adopt. Second by Mandelbaum. Motion Carried 7-0.**
- [24-0780](#) (E) Motion to adjourn. **Moved by Gatto to adjourn at 4:34 PM. Second by Simonson. Motion Carried 7-0.**

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PROCLAMATIONS – 4:45 PM

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

[24-0781](#)

1. ROLL CALL: **Present: Boesen, Simonson, Voss, Coleman, Westergaard, Mandelbaum and Gatto. Council Member Voss participated in the meeting by phone.**

[24-0782](#)

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[24-0783](#)

3. APPROVING CONSENT AGENDA * – items 3 through 31: **Moved by Gatto to adopt the balance of the Consent Agenda. Second by Voss. Motion Carried 7-0.**

***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

[24-0784](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

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.

[24-0785](#)

- 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Nays: Voss.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[24-0786](#)

(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](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[24-0787](#)

(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](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[24-0788](#)

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. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[24-0789](#)

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](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[24-0790](#)

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](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

10. Accepting completed construction and approving final payment for the following:

[24-0791](#)

(A) [Animal Control Facility Bid Package No. 17 – Landscaping](#), Alpha Landscapes LLC. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[24-0792](#)

(B) [McHenry Park and Sheridan Park Improvements](#), Alpha Landscapes LLC. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [24-0793](#) 11. [Levy](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2024-06. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [24-0794](#) 12. [Approving](#) 16 tax abatement applications for work completed in 2024. ([Council Communication No. 24-239](#)) **Moved by Gatto to adopt to approve the applications for the total number of years in the applicable exemption schedule, with the schedule to commence with the taxes payable in FY2024/25. Second by Voss. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [24-0795](#) 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. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [24-0796](#) 14. [Approving](#) updated bylaws for the Historic Preservation Commission. ([Council Communication No. 24-238](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

WITHDRAWN

- [24-0797](#) 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).~~

- [24-0798](#) 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). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [24-0799](#) 17. [Approving](#) payment to Farmers Insurance on behalf of its insured Chou Panyavong. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [24-0800](#) 18. [Submitting](#) travel and training requests for Connie Boesen, Joseph Nolte, Roger Nowadzky and Kelly Simmons. ([Council Communication No. 24-247](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

APPROVING

- [24-0801](#) 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](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-0802](#) 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](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-0803](#) 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](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-0804](#) 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](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-0805](#) 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](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-0806](#) 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](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [24-0807](#) 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) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [24-0808](#) 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) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [24-0809](#) 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) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [24-0810](#) 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) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [24-0811](#) 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) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- 30. Abatement of public nuisances as follows:
 - [24-0812](#) (A) 603 Glenview Drive. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
 - [24-0813](#) (B) 1509 Des Moines Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [24-0814](#) 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. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

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

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

- [24-0815](#) 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. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**

- [24-0816](#) 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. **Moved by Gatto to adopt. Second by Simonson. Motion Carried 7-0.**
- [24-0817](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Simonson. Motion Carried 7-0.**
- [24-0818](#) (B) Final consideration of ordinance above, 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, #[16,362](#). Second by Simonson. Motion Carried 7-0.**
- [24-0819](#) 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. **Moved by Coleman to adopt. Second by Gatto. Motion Carried 7-0.**
- [24-0820](#) (A) **First** consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 7-0.**
- [24-0821](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Coleman 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, #[16,363](#). Second by Gatto. Motion Carried 7-0.**
- [24-0822](#) 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. **Moved by Westergaard to adopt. Second by Gatto. Motion Carried 7-0.**
- [24-0823](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 7-0.**

- [24-0824](#) (B) **Final** consideration of ordinance above (waiver requested by the applicants), 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, #16,364. Second by Gatto. Motion Carried 7-0.**
- [24-0825](#) 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 (Jeffry Rasmussen, President), \$1,005,601.50. ([Council Communication No. 24-227](#)) **Moved by Coleman to adopt. Second by Mandelbaum. Motion Carried 7-0.**
- [24-0826](#) (A) **Approval** of contract and bond. **Moved by Coleman to adopt. Second by Mandelbaum. Motion Carried 7-0.**
- [24-0827](#) 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 (Jeffry Rasmussen, President), \$456,744. ([Council Communication No. 24-228](#)) **Moved by Gatto to adopt. Second by Mandelbaum. Motion Carried 7-0.**
- [24-0828](#) (A) **Approval** of contract and bond. **Moved by Gatto to adopt. Second by Mandelbaum. Motion Carried 7-0.**
- [24-0829](#) 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](#)) **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**
- [24-0830](#) (A) **Approval** of contract and bond. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**
- [24-0831](#) 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](#)) **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**
- [24-0832](#) (A) **Approval** of contract and bond. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**

****END HEARINGS AT 5:10 PM****

APPROVING II

- [24-0833](#) 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-feet 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**) **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**

ORDINANCES FIRST CONSIDERATION

- [24-0834](#) 41. **Amending** Chapter 46 of the Municipal Code relating to the fine for the use of consumer fireworks within the city limits. **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 7-0.**

- [24-0835](#) (A) Final consideration of ordinance above, 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, #16,365. Second by Voss. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [24-0836](#) 42. **Requests** to speak as follows: **Moved by Gatto to receive and file. Second by Mandelbaum. Motion Carried 7-0.**

- (A) Sylvia Nemmers
- (B) Jenny King – Did not speak.
- (C) Brooke Sodders
- (D) Lu Hallmeyer
- (E) Tasida Barfoot
- (F) Abby Bankes
- (G) Kaleb Van Fosson – Did not speak.
- (H) Luis Gomez – Did not speak.
- (I) Elizabeth Leas
- (J) Heather Armstrong
- (K) Jacey Van Roekel – Did not speak.
- (L) Giada Morresi
- (M) Adam Callanan
- (N) Mosi Mandil

- [24-0837](#) MOTION TO ADJOURN. **Moved by Gatto to adjourn at 5:55 PM. Second by Westergaard. Motion Carried 7-0.**

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