



*** 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

September 16, 2024
5:00 PM

I. **CLOSED SESSION – 4:00 PM**

- [24-1202](#) (A) Roll Call. **Present: Boesen, Simonson, Voss, Coleman, Westergaard, Mandelbaum and Gatto.**
- [24-1203](#) (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 Gatto to adopt. Second by Coleman. Motion Carried upon roll call 7-0.**
- [24-1204](#) (C) Closed Session.
- [24-1205](#) (D) Terminate closed session and reconvene in open session. **Moved by Gatto to adopt. Second by Westergaard. Motion Carried 7-0.**
- [24-1206](#) (E) Motion to adjourn. **Moved by Gatto to adjourn at 4:23 PM. Second by Coleman. Motion Carried 7-0.**

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PROCLAMATIONS – 4:50 PM

Latino Heritage Month

Labor Union Appreciation Month

[24-1207](#)

- 1. **ROLL CALL: Present: Boesen, Simonson, Voss, Coleman, Westergaard, Mandelbaum and Gatto.**

[24-1208](#)

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

[24-1209](#)

- 3. **APPROVING CONSENT AGENDA * – items 3 through 68: 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

[24-1210](#)

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

NEW APPLICATIONS

- | | | |
|------------------------------|-------------------|----------------|
| (A) OPEN SESAME | 313 E LOCUST ST | Class C Liquor |
| (B) RANCHO ESCONDIDO MEXICAN | 1106 ARMY POST RD | Class C Liquor |

RENEWAL APPLICATIONS

- | | | |
|--------------------------------|-----------------------|---------------------------|
| (C) ANDYS PLACE | 5114 SW 9TH ST | Class C Liquor |
| (D) ANGRY GOLDFISH | 2301 SW 9TH ST | Class C Liquor |
| (E) BOMB BAR | 209 4TH ST | Class C Liquor |
| (F) CASEYS GENERAL STORE #2314 | 3527 INDIANOLA AVE | Class B Retail |
| (G) CASEYS GENERAL STORE #2676 | 2106 ECHO VALLEY DR | Class E Liquor |
| (H) CASEYS GENERAL STORE #44 | 4560 E 14TH ST | Class B Retail |
| (I) CEVICHE | 223 E WALNUT ST | Class C Liquor |
| (J) CLUB 2000 | 422 INDIANOLA RD | Class C Liquor |
| (K) COONEYS TAVERN | 3708 BEAVER AVE | Class C Liquor |

- (NN) THIRSTY PIGS LLC 520 ROBERT D RAY DR 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR DRAKE HOOP FEST
ON SEPTEMBER 26, 2024.
- (OO) YOUR PRIVATE BAR 120 E 5TH ST 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON SEPTEMBER 28, 2024.
- (PP) YOUR PRIVATE BAR 120 E 5TH ST 5 days
CLASS C LIQUOR LICENSE FOR IOWA INTERNATIONAL CENTER AWARDS
CEREMONY FUNDRAISER ON OCTOBER 3, 2024.
- (QQ) YOUR PRIVATE BAR 4025 TONAWANDA DR 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON OCTOBER 5, 2024.
- (RR) YOUR PRIVATE BAR 120 E 5TH ST 5 days
CLASS C LIQUOR LICENSE FOR CORKS & KEGS ON SEPTEMBER 21, 2024.
- (SS) YOUR PRIVATE BAR 4025 TONAWANDA DR 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON SEPTEMBER 28, 2024.

OUTDOOR SERVICE APPLICATION

- (TT) PARLOR 4041 URBAN DALE AVE Class C Liquor
TEMPORARY FOR BEAVERDALE FALL FESTIVAL ON SEPTEMBER 21, 2024.

- [24-1211](#) 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:

- [24-1212](#) (A) [Skywalk](#) 3C-4C & 4E-4F Improvements: Receiving of bids, (10-8-24) and Setting date of hearing, (11-4-24), Engineer's estimate, \$610,000. ([Council Communication No. 24-357](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [24-1213](#) (B) [9th](#) & Locust Parking Garage Elevator Improvements: Receiving of bids, (10-8-24) and Setting date of hearing, (11-4-24), Engineer's estimate, \$675,000. ([Council Communication No. 24-358](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [24-1214](#) 7. [Approving](#) renewal of United States Department of Transportation and Iowa Department of Transportation Standard Title VI Assurances and Agreement. ([Council Communication No. 24-364](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [24-1215](#) 8. [Approving](#) submission of the Iowa Clean Air Attainment Program (ICAAP) funding application to the Iowa Department of Transportation (IDOT) for the SE 14th Street (US 69) Corridor Adaptive Signal Control. ([Council Communication No. 24-367](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1216](#) 9. [Approving](#) execution of an agreement with Norfolk Southern Railway Company for the Southeast Connector project from SE 30th Street to U.S. Highway 65, estimated cost \$1,316,154. ([Council Communication No. 24-365](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1217](#) 10. [Approving](#) exception to Request for Proposals process for good cause and approving Professional Services Agreement with Walter P. Moore and Associates, Inc. for parking garages facility condition study, not to exceed \$135,000. ([Council Communication No. 24-369](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1218](#) 11. [Approving](#) Guaranteed Maximum Price Amendment 2 with J.E. Dunn Construction Company for Construction Manager at Risk Services for the North Side Community Recreation Center, not to exceed \$21,812,538. ([Council Communication No. 24-362](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1219](#) 12. [Approving](#) Guaranteed Maximum Price Amendment No 1 with McGough Construction Co, LLC. for Construction Manager at Risk Services for the City Facility Expansion Phase 1 Improvements, not to exceed \$1,634,676. ([Council Communication No. 24-363](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1220](#) 13. [Approving](#) Fiscal Year 2029 Carbon Reduction Program (CRP) application to the Des Moines Area Metropolitan Planning Organization (DMAMPO) for the 5th Avenue Complete Streets project from Grand Avenue to Interstate 235. ([Council Communication No. 24-372](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
14. Approving Private Construction Contracts between the following:
- [24-1221](#) (A) [Capital](#) Homes II, LLC and Cutler Construction, LLC and Cutler Development, LLC for paving improvements in Star Lofts, 2701 Ingersoll Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1222](#) (B) [Alliance](#) Construction Group, LLC and J. Larson Homes LLC for paving improvements in Woodbury Plat 2 in the vicinity of NE 56th Street and Leyden Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1223](#) 15. [Accepting](#) completed construction and approving final payment for Wakonsa Trail Bridge Emergency Structural Repair – Cramer and Associates, Inc. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [24-1224](#) 16. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2024-09. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1225](#) 17. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2024-09. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [24-1226](#) 18. [Approving](#) final subdivision plat and acceptance of subdivision bond for Carter Court in the vicinity of 4320 E. 46th Street. ([Council Communication No. 24-377](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1227](#) 19. [Approving](#) six tax abatement applications for work completed in 2022. ([Council Communication No. 24-352](#)) **Moved by Gatto to adopt and 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

- [24-1228](#) 20. [Recommendation](#) from Council Member Voss to appoint Marc Beltrame to the Parks and Recreation Board, Seat 6, for a four-year term expiring June 30, 2028. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1229](#) 21. [Communication](#) from Craig Wetzel advising of his resignation from the Housing Appeals Board, Seat 5, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Second by Voss. Motion Carried 7-0.**
- [24-1230](#) 22. [Recommendation](#) from Council Member Westergaard to appoint Joanne May to Housing Appeals Board, Seat 5, for a three-year term expiring March 16, 2027. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1231](#) 23. [Communication](#) from Abigail Chungath advising of her resignation from the Plan and Zoning Commission, Seat 12, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for her service. Second by Voss. Motion Carried 7-0.**

[24-1232](#) 24. [Recommendation](#) from Council Member Mandelbaum to appoint Jane Rongerude to the Plan and Zoning Commission, Seat 12, for a five-year term expiring July 1, 2029. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[24-1233](#) 25. [Approving](#) admission of the City of Grimes to the Greater Des Moines Sister Cities Commission. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

[24-1234](#) 26. [Regarding](#) a request from Rally Cap Properties, LLC (Ryan Francois, Officer) regarding vacation of surface rights-of-way adjoining property at 601 24th Street, and 602 23rd Street, to allow existing garden structures and a proposed perimeter fence to encroach into the right-of-way. The proposed right-of-way vacations include 8 feet along 24th Street and adjoining 601 24th Street, 6 feet along High Street and adjoining 601 24th Street, the vacated north/south alleyway, and 602 23rd Street, and 8 feet along 23rd Street and adjoining 602 23rd Street. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission and refer to the Engineering Department, Real Estate Division. Second by Voss. Motion Carried 7-0.**

[24-1235](#) 27. [Regarding](#) a City-initiated request for vacation of multiple segments of right-of-way, for purposes of a project to remove the roadways and restore the area for incorporation into the Lower Fourmile Creek Greenway, including: A) E. 36th Street from E. Sheridan Avenue to Arthur Avenue. B) E. 36th Court from E. Sheridan Avenue to Arthur Avenue. C) Arthur Avenue to the west of E. 37th Street. D) E. 40th Court to the south of E. Jefferson Avenue, and E) Lot Q between the vacated Four Mile Drive and the south line of Lot Q. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission and refer to the Engineering Department, Real Estate Division. Second by Voss. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

[24-1236](#) 28. [On](#) vacation of portions of E. University Avenue right-of-way adjoining 1427 E. University Avenue and conveyance to Des Moines Independent Community School District, (10-7-24). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[24-1237](#) 29. [On](#) conveyance of excess City-owned property located in the Fourmile Creek floodplain to Polk County for the use and benefit of the Polk County Conservation Board for the Lower Fourmile Creek Greenway Project, (10-7-24). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[24-1238](#) 30. [On](#) conveyance of excess City property located at 3 E. Porter Avenue to Polk County, \$1, (10-7-24). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [24-1239](#) 31. **On** vacation of air, subsurface, and surface rights within portions of Des Moines Street and E. 6th Street right-of-way adjoining 603 E. 6th Street and conveyance of a Permanent Easement for Air Space Above City-owned property, a Permanent Easement for Subsurface Building Encroachment and a Permanent Easement for Surface Building Encroachment on City-owned property to HOA Aston LLC, \$30,324, (10-7-24). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1240](#) 32. **On** vacation of air and subsurface rights within portions of Tuttle Street, SW 13th Street and Murphy Street right-of-way adjoining 1300 Tuttle Street and conveyance of a Permanent Easement for Air Space Above City-owned property and a Permanent Easement for Subsurface Building Encroachment on City-owned property to HRC NFS I, LLC, \$8,061, (10-7-24). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1241](#) 33. **On** a request from Hubbell Realty Company (Caleb Smith, Officer) for review and approval of a 2nd amendment to the Gray’s Station PUD Conceptual Plan to allow adjustments in building height, density, and uses within certain sub-areas of the PUD regarding property located in the vicinity of 1300 Tuttle Street and to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification for portions of the property from Neighborhood Mixed Use to Downtown Mixed Use, (10-7-24). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1242](#) 34. **On** a request from Alisha, LLC (Muhammad Sarwar, Officer) for property located at 3718 SW 9th Street, to rezone the property from “RX1” Mixed-Use District to “MX3” Mixed-Use District, to allow liquor sales by an existing fuel station use, (10-7-24). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1243](#) 35. **On** a City initiated request to rezone three (3) parcels within the Southeast Industrial Urban Renewal Area, located along E. Army Post Road, to the west of SE 45th Street and to the east of SE 36th Street, and bounded by E. Army Post Road to the north and E. Pine Avenue to the south, to rezone property from “A” Agricultural District and “PUD” Harvest Hills PUD Planned Unit Development District to Limited “I1” Industrial District, (10-7-24). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1244](#) 36. **On** a request from Ryan Rivas (Owner) to rezone property located in the vicinity of 1760 E. Park Avenue from “N3a” Neighborhood District to “P2” Public, Civic, and Institutional District, to allow the property to be assembled with the property to the east that is used for an “Assembly – Place of Worship” use, (10-7-24). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1245](#) 37. **On** a request from Riverview DSM, LLC (Douglas A. Wells, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Public/Semi-Public to Downtown Mixed Use and to rezone 110 E. Court Avenue from “P2” Public, Civic, and Institutional District to “DX2” Downtown District, to allow the existing building to be used for a mix of commercial uses, (10-7-24). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [24-1246](#) 38. [On](#) approval of a commercial lease agreement with Panom & Sons LLC d/b/a Blu Thai Food and Sushi for use of Suite 309 for restaurant purposes located in City-owned property at the T.M. Franklin Cownie City Administration Building at 1200 Locust Street, (10-7-24). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1247](#) 39. [On](#) the proposed 2024 Analysis of Impediments to Fair Housing for the U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (11-4-24). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [24-1248](#) 40. [Approving](#) payment to Mark Edward Nieters. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1249](#) 41. [Approving](#) payment to plaintiffs in Dunn v. City of Des Moines. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1250](#) 42. [Approving](#) payment to Chad Campbell for a workers' compensation claim. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1251](#) 43. [Approving](#) payment to Aztec Motors for a loss of property claim. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1252](#) 44. [Approving](#) payment to Cinch Auto Finance for a loss of property claim. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1253](#) 45. [Approving](#) payment to Aterra Real Estate for a property damage claim. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1254](#) 46. [Approving](#) payment to Lisa Brumbelow for a property damage claim. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1255](#) 47. [Approving](#) payment to Nationwide Insurance on behalf of its insureds June and Jessica Lentzkow for a property damage claim. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1256](#) 48. [Approving](#) payment to State Farm on behalf of its insureds Nathan and Kathryn Jarrett for a property damage claim. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

APPROVING

- [24-1257](#) 49. [Release](#) of Community Development Block Grant – Disaster Recovery (CDBG-DR) liens on Ingersoll Square II. ([Council Communication No. 24-360](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1258](#) 50. [Commitment](#) of \$400,000 in Home Investment Partnership Program (HOME) funds for construction of alley landing at 2701 Douglas Avenue, resulting in 40 affordable rental units. ([Council Communication No. 24-356](#)) **Moved by Coleman to adopt. Second by Gatto. Motion Carried 7-0.**
- [24-1259](#) 51. [Preliminary](#) terms of an Urban Renewal Development Agreement with Riverview DSM LLC and Riverview Parking LLC for the construction of a multi-level parking structure at the northeast corner of E. Court Avenue and E. 2nd Street. ([Council Communication No. 24-378](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Council Member Mandelbaum declares a conflict of interest and abstains from voting.**
- [24-1260](#) 52. [EMS](#) Field Experience Agreement with Iowa Western Community College (IWCC). ([Council Communication No. 24-371](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1261](#) 53. [Amendment](#) No.1 to agreement with EMS Bruel & Kjaer Inc. d/b/a Envirosuite Inc. to add additional equipment for environmental intelligence solution services, additional annual cost \$77,505. ([Council Communication No. 24-373](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1262](#) 54. [Renewal](#) agreement with ParkMobile, LLC for Pay-By-Cell application services for the multi-space parking meter system. ([Council Communication No. 24-366](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
55. Number not used.
- [24-1263](#) 56. [Agreement](#) with the U.S. Geological Survey, for the operation and maintenance of five (5) stream gaging stations. ([Council Communication No. 24-354](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1264](#) 57. [Fiscal](#) Year 2025 Governor’s Traffic Safety Bureau (GTSB) grant award, \$246,000. ([Council Communication No. 24-353](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1265](#) 58. [Receipt](#) of financial reports from Des Moines Water Works. **Moved by Gatto to receive and file. Second by Voss. Motion Carried 7-0.**

- [24-1266](#) 59. [Inflation](#) Reduction Act Grant Agreement with U.S. Department of Agriculture, Forest Service, for \$2,500,000 of grant funding for urban canopy expansion project and authorizing and directing City Manager to negotiate and approve related agreements with Trees Forever and Urban Ambassadors. ([Council Communication No. 24-375](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1267](#) 60. [Receipt](#) of the 2023 Annual Report of the Greater Des Moines Public Art Foundation as required by agreement. **Moved by Gatto to receive and file. Second by Voss. Motion Carried 7-0.**
- [24-1268](#) 61. [Agreement](#) with Des Moines Airport Authority for the provision of City services. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1269](#) 62. [Communication](#) from the Greater Des Moines Partnership on behalf of the Greater Des Moines Botanical Garden, requesting approval of placement for up to 25 banners to be displayed on banner poles in downtown Des Moines beginning November 1, 2024. **Moved by Gatto to receive, file and approve. Second by Voss. Motion Carried 7-0.**
63. Abatement of public nuisances as follows:

WITHDRAWN

- [24-1270](#) (A) [3905](#) E. Ovid Ave.
- [24-1271](#) (B) [17](#) E. Olinda Ave. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1272](#) 64. [Purchase](#) from Zetron, Inc. (Scott French, Executive General Manager and President) of Call-Taking and Processing Equipment per Iowa Homeland Security and Emergency Management cooperative purchase contract for use by the Police Department, \$141,332.60. ([Council Communication No. 24-355](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1273](#) 65. [Purchase](#) from Commonwealth Electric of the Midwest (Michael Price, President) of fiber installation services per State of Iowa Agreement and City of Des Moines Short Form Agreement for use by the Information Technology Department, \$108,938.70. ([Council Communication No. 24-359](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1274](#) 66. [Exception](#) to the procurement ordinance competitive process for good cause and approval of Professional Services Agreement with Olsson, Inc. (Brad Strittmatter, President) for fiber relocation design for use by the Information Technology Department, not to exceed \$164,160. ([Council Communication No. 24-370](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[24-1275](#)

- 67. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of September 16, 23 and 30, 2024; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of September 16, 23 and 30, 2024; to draw checks for biweekly payroll due on September 20 and October 4, 2024. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

[24-1276](#)

- 68. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: **Moved by Gatto that this ordinance do now pass, #[16,380](#). Second by Voss. Motion Carried 7-0.**

- (A) Parking Modification – Accessible parking space on 33rd Street between College Avenue and Mondamin Avenue.
- (B) Code Correction – E. Broadway Avenue from the west city limits to the east city limits.

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

[24-1277](#)

- 69. [Amending](#) Sections 102-8, 102-615 and 3-23 of the Municipal Code relating to abandoned property and the removal of encroachments. **Moved by Coleman that this ordinance do now pass, #[16,381](#); and give approval for the City Manager to implement the attached strategies, except item 9, as a unified strategy for the City of Des Moines. Second by Gatto. Motion Carried 5-2. Nays: Simonson and Mandelbaum.**

[24-1278](#)

- 70. [Amending](#) Chapter 102 of the Municipal Code relating to prohibited camping. **Moved by Coleman that this ordinance do now pass, #[16,382](#). Second by Gatto. Motion Carried 5-2. Nays: Simonson and Mandelbaum.**

HEARINGS (OPEN AT 5:00 PM) (ITEMS 71 THRU 74)

[24-1279](#)

- 71. [On](#) vacation of surface and subsurface rights within portions of Ingersoll Avenue right-of-way adjoining 2701 Ingersoll Avenue and conveyance of a Permanent Easement for Building Encroachment and a Permanent Easement for Subsurface Building Encroachment on City-owned property to Star Lofts Condos, \$5,400. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**

[24-1280](#)

- (A) [First](#) consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 7-0.**

- [24-1281](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), 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, #16,383. Second by Gatto. Motion Carried 7-0.**
- [24-1282](#) 72. **On** conveyance of excess City property at 1400 E. 17th Court to Polk County, \$1. **Moved by Westergaard to adopt. Second by Gatto. Motion Carried 7-0.**
- [24-1283](#) 73. **On** request from Delaney Enterprises, LLC (Connor Delaney, Officer) to rezone 515 Euclid Avenue 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 so long as the Zoning Board of Adjustment grants a Conditional Use for such use. **Moved by Westergaard to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1284](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 7-0.**
- [24-1285](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), 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, #16,384. Second by Voss. Motion Carried 7-0.**
- [24-1286](#) 74. **On** a request from JSG Properties, LLC (Gary Jones, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of the property from Business Park to Industrial, and to rezone 3001 McKinley Avenue from “EX” Mixed Use District to Limited “I1” Industrial District to allow the expansion of an existing industrial and warehousing use with zoning regulations, continued from August 19, 2024 meeting. **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1287](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 7-0.**
- [24-1288](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), 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, #16,385. Second by Voss. Motion Carried 7-0.**

****END HEARINGS AT 5:16 PM****

APPROVING II

- [24-1289](#) 75. [Directing](#) advertisement for sale and approving electronic bidding procedures and [official statement](#) for \$57,645,000 General Obligation Bonds, Series 2024A. (Bonds will be sold at a special meeting on Wednesday, October 2, 2024 at 4:30 PM) **Moved by Gatto to adopt. Second by Coleman. Motion Carried 7-0.**
- [24-1290](#) 76. [Directing](#) advertisement for sale and approving electronic bidding procedures and [official statement](#) for \$10,185,000 Taxable General Obligation Bonds, Series 2024B. (Bonds will be sold at a special meeting on Wednesday, October 2, 2024 at 4:30 PM) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1291](#) 77. [Authorization](#) to negotiate agreements necessary for Primary Health Care, Inc. to provide outreach services to unsheltered individuals within the City of Des Moines. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1292](#) 77-I [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. **Moved by Gatto to approve. Second by Voss. Motion Carried 7-0.**

ORDINANCE FIRST CONSIDERATION

- [24-1293](#) 78. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: ([Council Communication No. 24-361](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Simonson. Motion Carried 7-0.**
- (A) Parking Modification – SW 9th Street between Rose Avenue and Watrous Avenue.
 - (B) Parking Modification – E. Broadway Avenue/Hubbell Avenue north frontage road between E. Broadway Avenue and Hubbell Avenue.
 - (C) Parking Modification – 24th Street between Cottage Grove Avenue and Drake Park Avenue.
 - (D) Traffic Control Modification – E. Vine Street at intersections with E. 15th/SE 15th Street, Astor/SE Astor Street, and E. 16th/SE 16th Street.
 - (E) Code Correction – 7th Street between Clark Street and College Avenue.
 - (F) Code Correction – E. Lacona Avenue at SE 8th Street.
 - (G) Corner Clearance Parking Restrictions:
 - (1) Arthur Avenue and E 42nd Street.
 - (2) Bennett Avenue and 30th Street.
 - (3) E. Diehl Avenue and Jordan Drive.
 - (4) E. Payton Avenue and SE 3rd Street.

WITHDRAWN

[24-1294](#)

79. [Repeal](#) and replace Chapter 60 of the Municipal Code relating to rental property maintenance and blighted property.

COMMUNICATIONS/REPORTS

[24-1295](#)

80. [Requests](#) to speak as follows: **Moved by Gatto to receive and file. Second by Voss. Motion Carried 7-0. *Motion by Gatto to receive and file document from Helena Hadek. Second by Mandelbaum. Motion Carried 7-0.**

- (A) Sally Davis – Did not speak.
- (B) Zoe Frey
- (C) Samantha Ekstein – Did not speak.
- (D) Jeff Krugler – Did not speak.
- (E) Lora Fraracci
- (F) Felicia Hiktony – Did not speak.
- (G) Jolene Prescott – Did not speak.
- (H) Heaven Chamberlain
- (I) Ian Schaffer
- (J) Robert McGregor – Did not speak.
- (K) Suzanne Overton – Did not speak.
- (L) Xavier Bradford
- (M) Adam Buhr – Did not speak.
- * (N) Helena Hadek
- (O) Adam Callanan
- (P) Monika Owczarski
- (Q) Kris Gregersen
- (R) Dr. James H Sutton
- (S) Mark Andersen – Did not speak.
- (T) Dani Duggan

[24-1296](#)

MOTION TO ADJOURN. Moved by Gatto to adjourn at 6:40 PM. Second by Voss. Motion Carried 7-0.

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