



**\*\*\* 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**

November 4, 2024  
5:00 PM

- [24-1484](#) 1. ROLL CALL: **Present: Boesen, Voss, Coleman, Westergaard, Mandelbaum and Gatto. Absent: Simonson.**
- [24-1485](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1486](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 34: **Moved by Gatto to adopt the balance of the Consent Agenda. Second by Voss. Motion Carried 6-0. Absent: Simonson.**

**\*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**

24-1487

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**

**NEW APPLICATIONS**

(A)	BALLET DES MOINES	655 WALNUT ST #120	Special Class C
(B)	SPICES OF NEPAL	4804 SW 9 <sup>TH</sup> ST	Class C Liquor
(C)	TINAS RABBIT HOLE	2102 INDIANOLA AVE	Class C Liquor

**RENEWAL APPLICATIONS**

(D)	ALDI INC #03	3940 E 14TH ST	Class B Retail
(E)	ALDI INC #29	5512 SE 14TH ST	Class B Retail
(F)	ALDI INC #38	2543 E UNIVERSITY AVE	Class B Retail
(G)	CASEYS STORE #2892	6120 DOUGLAS AVE	Class B Retail
(H)	CENTRO RESTAURANT	1003 - 1007 LOCUST ST	Class C Liquor
(I)	CHA CHAS HILAND BAKERY	3615 6TH AVE	Class C Liquor
(J)	CHIPOTLE MEXICAN GRILL	3737 MERLE HAY RD	Class C Liquor
(K)	CROZ NEST EAST	3801 EASTON BLVD	Class C Liquor
(L)	ESTRADAS	3029 MERLE HAY RD	Class C Liquor
(M)	FRATERNAL ORDER	6567 BLOOMFIELD RD	Class C Liquor
(N)	FREMONT	1030 E 9TH ST	Class C Liquor
(O)	GIT N GO STORE #19	890 COUNTY LINE RD	Class B Retail
(P)	GIT N GO STORE #3	100 WATROUS AVE	Class B Retail
(Q)	GIT N GO STORE #42	806 SE 14TH ST	Class B Retail
(R)	GIT N GO STORE #6	5736 FRANKLIN AVE	Class B Retail
(S)	GOLDEN FAMILY MARKET	4109 SE 14TH ST	Class B Retail
(T)	HESSEN HAUS	101 4TH ST	Class C Liquor
(U)	HOQ RESTAURANT	303 E 5TH ST	Class C Liquor
(V)	JACKS PLACE	6112 SW 9TH ST	Class C Liquor
(W)	JEANNIES BOTTLE	3839 MERLE HAY RD	Class C Liquor
(X)	JESSES EMBERS	3301 INGERSOLL AVE	Class C Liquor
(Y)	KWIK STAR #1053	4105 HUBBELL AVE	Class B Retail
(Z)	NACHO TEQUILAS	6401 SE 14TH ST	Class C Liquor
(AA)	OH SUSHI	2815 BEAVER AVE	Special Class C
(BB)	PURVEYOR	505 E GRAND AVE #105	Class C Liquor
(CC)	TOBACCO HUT	5714 HICKMAN RD	Class B Retail
(DD)	VIVA MEXICAN RESTAURANT	6101 GRAND AVE	Class C Liquor

**SPECIAL EVENT APPLICATIONS**

(EE)	APRES BAR CO	304 15TH ST	5 days
	CLASS C LIQUOR LICENSE FOR FITCH OPEN STUDIO WINTER 2024 EVENT ON NOVEMBER 9, 2024		
(FF)	APRES BAR CO	100 LOCUST ST	5 days
	CLASS C LIQUOR LICENSE FOR MAD HATTER ON NOVEMBER 22, 2024.		

(GG) YOUR PRIVATE BAR 1615 2ND AVE 5 days  
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR AN EVENT ON  
NOVEMBER 7, 2024.

(HH) YOUR PRIVATE BAR 120 E 5TH ST 14 days  
CLASS C LIQUOR LICENSE FOR EVENTS DURING NOVEMBER 9 - 22, 2024.

**TRANSFER TO NEW LOCATION**

(II) ELWELL FAMILY FOOD 3000 E GRAND AVE Class C Liquor  
TEMPORARY TO THE PAVILION FOR A WEDDING ON NOVEMBER 23, 2024.

[24-1488](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Second by Voss. Motion Carried 5-1. Nays: Voss. Absent: Simonson.**

[24-1489](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**

**PUBLIC IMPROVEMENTS**

7. Ordering construction of the following:

[24-1490](#) (A) [2025](#) Citywide PCC Pavement Patching Program: Receiving of bids, (11-19-24) and Setting date of hearing, (12-23-24), Engineer's estimate, \$1,572,000. ([Council Communication No. 24-449](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**

WITHDRAWN

[24-1491](#) (B) ~~[East](#) Army Post Road Trunk Sanitary Sewer from SE 14<sup>th</sup> Street to Three Lakes Estates: Receiving of bids, (11-19-24) and Setting date of hearing, (12-23-24), Engineer's estimate, \$4,500,000. ([Council Communication No. 24-450](#))~~

WITHDRAWN

[24-1492](#) (C) ~~[SW](#) 1<sup>st</sup> Street Bridge Park Improvement: Receiving of bids, (11-19-24) and Setting date of hearing, (12-23-24), Engineer's estimate, \$925,000. ([Council Communication No. 24-451](#))~~

8. Items regarding the Central Place Levee Trail Phase 1 Project:

[24-1493](#) (A) [Approving](#) and authorizing the execution of a Cooperative Agreement between the Iowa Department of Transportation (IDOT) and the City of Des Moines for construction and maintenance. ([Council Communication No. 24-453](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**

- [24-1494](#) (B) [Ordering](#) construction - Receiving of bids, (11-19-24), and Setting date of hearing, (12-9-24), Construction estimate, \$1,800,000. ([Council Communication No. 24-452](#))  
**Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1495](#) 9. [Approving](#) completion and acceptance of the Cooperative Public Service project with Polk County for the Scott Avenue Sidewalk from SE 30<sup>th</sup> Street to Fourmile Creek. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1496](#) 10. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with OPN, Inc. d/b/a OPN Architects, Inc. for professional services for the City Facility Expansion Phase 1 Improvements project, not to exceed \$80,000. ([Council Communication No. 24-448](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1497](#) 11. [Approving](#) private construction contract between Eggers Plumbing Inc. and JW Congregation Support Inc. for storm sewer improvements in 7700 Fleur Drive. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**

#### SPECIAL ASSESSMENTS

- [24-1498](#) 12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2024-11. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**

#### LAND/PROPERTY TRANSACTIONS

- [24-1499](#) 13. [Releasing](#) PUD restoration bond for Brook Landing Plat 1. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1500](#) 14. [Approval](#) of final subdivision plat for Gray's Station Plat 7. ([Council Communication No. 24-442](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**

#### BOARDS/COMMISSIONS/NEIGHBORHOODS

- [24-1501](#) 15. [Approve](#) merger of the Easter Lake Area Neighborhood Association and Pioneer Park Neighborhood Association in accordance with the Neighborhood Recognition Policy. ([Council Communication No. 24-434](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1502](#) 16. [Approving](#) appointments to the Youth Advisory Board for a 12-month term expiring July 31, 2025, as follows: **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- (A) Deziyre Miller  
(B) Natalie Park

- [24-1503](#) 17. [Communication](#) from Kelli Soyer advising of her resignation from the Greater Des Moines Sister Cities Commission, At-Large Seat, to be effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for her service. Second by Voss. Motion Carried 6-0. Absent: Simonson.**

#### SETTING DATE OF HEARINGS

- [24-1504](#) 18. [On](#) the proposition to authorize a lease agreement with Motorola Solutions, Inc. (Greg Brown, CEO) in which the principal amount is not-to-exceed \$1,035,828 for the purpose of purchasing upgraded body worn camera equipment and related services, (11-18-24). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1505](#) 19. [On](#) the proposed 2025-2029 Consolidated Plan, which includes the 2025 Action Plan, for the U.S. Department of Housing and Urban Development (HUD), (11-18-24). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1506](#) 20. [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), (12-9-24). **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [24-1507](#) 21. [Approving](#) payment to Sam’s Riverside, Inc. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1508](#) 22. [Approving](#) payment to Don Dade and his attorney for a workers' compensation claim. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1509](#) 23. [Approving](#) payment to North Star Mutual Insurance as a subrogee of Nyan and Lal Makier for a property damage claim. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1510](#) 24. [Approving](#) payment to Wisdom Williams for a motor vehicle accident claim. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**

#### APPROVING

25. Number not used.

- [24-1511](#) 26. [Agreement](#) with Neighborhood Finance Corporation (NFC) for Polk County Large Renovation Program. ([Council Communication No. 24-437](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1512](#) 27. [Parking](#) Sublease Agreement with Two Rivers Marketing, Corp. for the use of 80 parking spaces within the ground level of Nelson Development 1, LLC’s parking garage locally known as 555 E. 4th Street. ([Council Communication No. 24-443](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1513](#) 28. [Grant](#) Agreement with World Food Prize Foundation for improvements to the building. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
29. Number not used.
- [24-1514](#) 30. [First](#) Amendment to Recyclables Processing and Marketing Service Agreement with Metro Waste Authority. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1515](#) 31. [Fire](#) Department to negotiate and approve Memoranda of Understanding (MOU) and Business Association Agreements for the Mobile Integrated Healthcare (MIHC) program. ([Council Communication No. 24-439](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
32. Abatement of public nuisances as follows:
- [24-1516](#) (A) [1814](#) 8<sup>th</sup> Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1517](#) (B) [1802](#) Martin Luther King JR Parkway. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1518](#) (C) [1218](#) E. 13<sup>th</sup> Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1519](#) (D) [3848](#) E. 14<sup>th</sup> Street, Lot 44. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1520](#) (E) [1726](#) E. Walnut Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1521](#) (F) [2307](#) SE 18<sup>th</sup> Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**
- [24-1522](#) 33. [Purchase](#) from Housby Mack Inc. (Kelly Housby, CEO) of five (5) heavy truck chassis, \$749,450; installation by Henderson Products Inc. (John Siever, President) of four (4) chassis upfitted with a dump body and snowplow equipment, \$672,028; and installation by Municipal Pipe and Tool LLC (Mark Kaler, managing member) of one (1) chassis upfitted with a Vacall catch basin cleaner, \$490,796.61 per Sourcewell purchasing contracts for use by the Public Works Department. Total amount \$1,912,274.61. ([Council Communication No. 24-440](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**

[24-1523](#)

- 34. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 4 and 11, 2024; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 4 and 11, 2024; to draw checks for biweekly payroll due on November 15, 2024. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**

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

**HEARINGS (OPEN AT 5:00 P.M.) (ITEM 35 THRU 44)**

[24-1524](#)

- 35. [On](#) conveyance of City-owned property at 1916 Washington Avenue to Greater Des Moines Habitat for Humanity for redevelopment of housing. ([Council Communication No. 24-435](#)) **Moved by Coleman to adopt. Second by Gatto. Motion Carried 6-0. Absent: Simonson.**

[24-1525](#)

- 36. [On](#) conveyance of a permanent easement for ingress and egress across City-owned property located north of 1544 48<sup>th</sup> Street to Switt Properties, LLC, \$1. **Moved by Coleman to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.**

[24-1526](#)

- 37. [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, **and to continue to the November 18, 2024 Council meeting. Moved by Westergaard to adopt. Second by Gatto. Motion Carried 6-0. Absent: Simonson.**

[24-1527](#)

- 38. [On](#) a request from Measured 3708 SE 14th, LLC (Greg Danielson, Officer) regarding property in the vicinity of 3710 Southeast 14<sup>th</sup> Street to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Medium Density Residential to High Density Residential to allow expansion of the existing multiple-household residential development so that it has a net density greater than 17 dwelling units per acre. **Moved by Gatto to DENY. Second by Coleman. Motion Carried 5-1. Nays: Mandelbaum. Absent: Simonson.**

[24-1528](#)

- 39. [On](#) request from Iowa Motor Carriers Foundation (Brenda Neville, Officer) for property located at 717 E. Court Avenue for an appeal of a denied Type 2 Design Alternative to waive undergrounding of overhead electrical lines where it is required. **Moved by Mandelbaum to DENY the Type 2 Design Alternative in form requested by the Iowa Motor Carriers Foundation described above and to make the following findings of fact and objections regarding the Type 2 Design Alternative as proposed by the Iowa Motor Carriers Foundation: a) Municipal Code Section 135-9.2.3.B.16.A requires undergrounding of overhead electrical lines in an underground district designated by resolution of the City Council. b) Municipal Code Section 1-2 defines the underground district designated by resolution of the City Council, as fully defined above. c) The subject site is located at 717 East Court Avenue which is located within the above defined underground district.**

d) The eastern portion of the district is bound by East 9th Street to the east, the Des Moines River to the west, East Grand Avenue to the north and East Court Avenue to the south. Within this portion of the underground district, only two (2) properties have not yet undergrounded their overhead lines, Iowa Motor Carriers Foundation at 717 East Court Avenue and Associated General Contractors of Iowa office at 701 East Court Avenue. The remaining surrounding properties have undergrounded lines. e) The Iowa Motor Carriers Foundation's proposal for the Type 2 Design Alternative to the requirement of Section 135-9.2.3.B.16.A is for full waiver, resulting in the overhead lines remaining and the lines not being buried underground within the Council designated underground district, and it is based on preference, rather than need. f) City Planning staff recommended denial of said Type 2 design alternative for full waiver of Section 135-9.2.3.B.16.A as requested by the Iowa Motor Carriers Foundation. g) The Iowa Motor Carriers Foundation has not met the burden required to demonstrate that its requested design alternative meets the criteria for approval or that the result of the design alternatives would equal or exceed the result of compliance with the Planning and Design Ordinance. h) The Iowa Motor Carriers Foundation has not shown that its requested design alternative is consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan. i) The Iowa Motor Carriers Foundation has not shown that its requested design alternative will not have a substantial or undue adverse effect on the public health, safety, and general welfare. j) The Type 2 Design Alternative as proposed by the Iowa Motor Carriers Foundation should not be approved for the reasons stated above. Direct staff to work with the applicant to provide an appropriate timeline to comply, not to exceed three years. Second by Coleman. Motion Carried 6-0. Absent: Simonson.

[24-1529](#) 40. On the proposed 2024 Analysis of Impediments to Fair Housing for the U.S. Department of Housing and Urban Development (HUD) Consolidated Plan. ([Council Communication No. 24-436](#)) Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.

[24-1530](#) 41. On the proposition to authorize a lease agreement in the principal amount not-to-exceed \$300,000 for the purpose of acquiring nine items of equipment for use in conjunction with city emergency snow and ice control operations. ([Council Communication No. 24-441](#)) Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.

[24-1531](#) 42. On 2025 Midblock Pedestrian Signal Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Kline Electric, Inc. d/b/a Heartland Underground Solutions (Shane T. Kline, President), \$391,940.60. ([Council Communication No. 24-445](#)) Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.

[24-1532](#) (A) Approval of contract and bond. Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 6-0. Absent: Simonson.



[24-1533](#) 43. [On](#) 9th & Locust Parking Garage Elevator Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Lloyd Construction Company (Chris Thorkelson, President), \$751,500. ([Council Communication No. 24-446](#)) **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-0. Absent: Simonson.**

[24-1534](#) (A) [Approval](#) of contract and bond. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-0. Absent: Simonson.**

[24-1535](#) 44. [On](#) Skywalk 3C-4C & 4E-4F Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Core Construction Services, LLC (Mike Ogle, Owner), \$425,000. ([Council Communication No. 24-447](#)) **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-0. Absent: Simonson.**

[24-1536](#) (A) [Approval](#) of contract and bond. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 6-0. Absent: Simonson.**

\*\*\*\*END HEARINGS AT 5:58 PM\*\*\*\*

#### ORDINANCES FIRST CONSIDERATION

[24-1537](#) 45. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: ([Council Communication No. 24-444](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 6-0. Absent: Simonson.**

(A) Turn Prohibition – Intersection of 6th Avenue and Hickman Road.

(B) Parking Modification – SE 25th Court from Maury Street to CB&Q Street.

[24-1538](#) (C) 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, [#16,399](#). Second by Voss. Motion Carried 6-0. Absent: Simonson.**

#### COMMUNICATIONS/REPORTS

[24-1539](#) 46. [Requests](#) to speak as follows: **Moved by Gatto to receive and file. Second by Voss. Motion Carried 6-0. Absent: Simonson.**

(A) Adam Callanan

(B) Tyler D. Patterson – Did not speak.

(C) Kathy Byrnes

(D) Ed Fallon

(E) Garland Armstrong

(F) Heather Armstrong

[24-1540](#)

**MOTION TO ADJOURN. Moved by Gatto to adjourn at 6:13 PM. Second by Westergaard. Motion Carried 6-0. Absent: Simonson.**

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