

*** 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 <u>City Hall, City Council Chambers</u> <u>400 Robert D. Ray Drive</u> <u>Des Moines, Iowa 50309</u>

November 18, 2024 5:00 PM

- 24-1541
 1. ROLL CALL: Present: Boesen, Simonson, Voss, Coleman, Westergaard, Mandelbaum and Gatto.
- 24-15422.APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto
to adopt. Second by Voss. Motion Carried 7-0.
- 24-15433. APPROVING CONSENT AGENDA * items 3 through 36: 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

24-15444.Approving Alcoholic Beverage License Applications for the following: Moved by Gatto to
adopt. Second by Voss. Motion Carried 7-0.

NEW APPLICATIONS

(A) BLU	309 13TH ST	Class C Liquor

(B) BLUE SHARK ALE HOUSE	2301 INGERSOLL AVE	Class C Liquor	
(C) CHANDELIER	413 EUCLID AVE	Class C Liquor	
		1	
RENEWAL APPLICATIONS			
(D) 821 SQ LIQUOR	821 E EUCLID AVE	Class E Liquor	
(E) BIANCHIS HILLTOP	2820 HUBBELL AVE	Class C Liquor	
(F) BREAKFAST CLUB	212 E 3RD ST #A	Class C Liquor	
(G) C FRESH MARKET	801 UNIVERSITY AVE #1	Class E Liquor	
(H) E NATION GROCERY LLC	3826 DOUGLAS AVE	Class B Retail	
(I) EUROPA GROCERIES	3839 MERLE HAY RD	Class B Retail	
(J) FLIX BREWHOUSE IOWA	3800 MERLE HAY RD	Class C Liquor	
(K) FONGS PIZZA	223 4TH ST	Class C Liquor	
(L) GAMEDAY KITCHEN	3800 MERLE HAY RD	Class C Liquor	
(M) HIGH LIFE LOUNGE	200 SW 2ND ST	Class C Liquor	
(N) KUM & GO #4110	2110 GUTHRIE AVE	Class E Liquor	
(O) LA BAJA COSINA MEXICA	NA 1938 SE 6TH ST #101	Class C Liquor	
(P) MOXIE KITCHEN + EVENT	S 4119 UNIVERSITY AVE	Class C Liquor	
(Q) NIGHTINGALE COCKTAIL	435 E GRAND AVE	Class C Liquor	
(R) PARK AVENUE PUB	1101 PARK AVE	Class C Liquor	
(S) QUIK TRIP #500	3700 HUBBELL AVE	Class E Liquor	
(T) QUIK TRIP #534	2945 E UNIVERSITY AVE	Class E Liquor	
(U) QUIK TRIP #554	901 SW 63RD ST	Class E Liquor	
(V) QUIKTRIP #541	2428 HUBBELL AVE	Class B Retail	
(W) ROYAL MILE, THE	210 4TH ST	Class C Liquor	
(X) SAHOTA FOOD MART	1805 SE 14TH ST	Class E Liquor	
(Y) SKIPS	4000 FLEUR DR	Class C Liquor	
(Z) SUPER QUICK	303 SE 30TH ST	Class E Liquor	
(AA) TUMEA AND SONS	1501 SE 1ST ST	Class C Liquor	
(BB)VARSITY CINEMA	1207 25TH ST	Class C Liquor	

SPECIAL EVENT APPLICATIONS

(CC) IOWA EUROPEAN CULTURAL 1 LINE DR (PARKING LOT) 5 days CLASS C LIQUOR LICENSE FOR CHRISTKINDLMARKET ON DECEMBER 5 -8, 2024.

- (DD) RCS PRODUCTIONS 3000 E GRAND AVE # 4H 5 days CLASS C LIQUOR LICENSE FOR HOLIDAY HOEDOWN ON DECEMBER 13 -14, 2024.
- (EE) SALISBURY HOUSE & GARDENS 4025 TONAWANDA DR 5 days SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR HOLIDAY HIGH TEA ON DECEMBER 14, 2024.
- (FF) SALISBURY HOUSE & GARDENS 4025 TONAWANDA DR 5 days CLASS C LIQUOR LICENSE FOR SPIRITS & SPARKLES, HOLLY & IVY AND HOLIDAY CONCERT ON DECEMBER 6 - 8, 2024.

- (GG) YOUR PRIVATE BAR4801 FRANKLIN AVE5 daysCLASS C LIQUOR LICENSE FOR AN EVENT ON DECEMBER 7, 2024.
- (HH) YOUR PRIVATE BAR 120 E 5TH ST 14 days CLASS C LIQUOR LICENSE FOR FUNDRAISING EVENT ON DECEMBER 9 -22, 2024.

TRANSFER TO NEW LOCATION

- (II) 4H BUILDING 3000 E GRAND AVE Class C Liquor TEMPORARY TO THE CATTLE BARN FOR A CHRISTMAS PARTY ON DECEMBER 13, 2024.
- <u>24-1545</u>
 <u>City</u> Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Nays: Voss.
- <u>24-1546</u>6. <u>City</u> Clerk to issue Coin Operated Machine Licenses. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.

PUBLIC IMPROVEMENTS

- 7. Ordering construction of the following:
- (A) 2025 Citywide Traffic Calming Improvements: Receiving of bids, (12-10-24) and Setting date of hearing, (1-13-25), Engineer's estimate, \$191,200. (Council Communication No. 24-459) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- <u>24-1548</u> (B) <u>E</u>. 4th Street Improvements from north of E. Market Street to E. Court Avenue: Receiving of bids, (12-10-24) and Setting date of hearing, (1-13-25), Engineer's estimate, \$2,000,000. (Council Communication No. 24-460) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- <u>SW</u> 1st Street Bridge Park Improvement: Receiving of bids, (12-10-24) and Setting date of hearing, (1-13-25), Engineer's estimate, \$925,000. (Council Communication No. 24-463) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- <u>Approving</u> and authorizing the execution of a Cooperative Agreement with the Iowa Department of Transportation (IDOT) for construction and maintenance of the Euclid Avenue Improvements from Des Moines River to York Street project. (<u>Council Communication No. 24-461</u>) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.

- (A) Ordering construction of Euclid Avenue Improvements from Des Moines River to York Street Receiving bids, (12-10-24), and Setting date of hearing, (1-13-25). (Construction Estimate \$5,050,000). (Council Communication No. 24-462) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- <u>Approving</u> Change Order No. 1 with Synergy Contracting, LLC for additional work on Twana Drive Reconstruction from west of 48th Place to east of 50th Street, \$167,508.15. (<u>Council Communication No. 24-456</u>) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- <u>Approving</u> completion and acceptance of private construction contract between Ryan Companies US, Inc. and Des Moines Industrial, LLC for storm sewer improvements located at 200 E. 15th Street. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
 - 11. Accepting completed construction and approving final payment for the following:
- 24-1554(A) Border Street Rehabilitation from 80th Avenue to 85th Avenue InRoads, LLC. Moved
by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- (B) <u>Urbandale</u> Avenue Resurfacing from 34th Street to Beaver Avenue OMG, Midwest, Inc. d/b/a Des Moines Asphalt & Paving. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- <u>24-1556</u> (C) <u>University</u> Avenue 39th Street to 25th Street Improvements All Star Concrete, LLC.
 Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- <u>24-1557</u> (D) <u>City-wide</u> Pump Station Telog Communication System Conversions Jenson Electric, LLC. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- <u>Animal</u> Control Facility Bid Package No. 2 Grading, Utilities and Public Improvements (Streets) MPS Engineers, PC d/b/a Kingston Services, PC. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- (F) <u>Chesterfield</u> Park Water Playground and Improvements Caliber Concrete, LLC.
 Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.

SPECIAL ASSESSMENTS

- <u>Levying</u> assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2024-11. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 24-156113. Deletion of rental inspection assessment at 1630 6th Avenue. Moved by Gatto to adopt.
Second by Voss. Motion Carried 7-0.

<u>Authorizing</u> release of special assessments for 930 Thornton Avenue and 2003 Washington Avenue acquired through the tax sale certificate process. (<u>Council Communication No. 24-469</u>) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.

LAND/PROPERTY TRANSACTIONS

<u>Approving</u> consent to assignment of agreement for use of City-owned property for a water pumping station by the Board of Water Works Trustees of the City of Des Moines, Iowa to Central Iowa Water Works. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.

COMMUNICATIONS FROM PLANNING AND ZONING

- <u>Regarding</u> request from (Robert N. Armagost, Jr. and Roberta L. Armagost, Owners) for vacation of the southernmost 132 lineal feet of a north/south alley right-of-way in the vicinity of 2114 Southeast 6th Street, which is within the block bounded by Pioneer Road to the south and Hartford Avenue to the north, to allow the vacated area to be maintained for private use.
 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.
- <u>Regarding</u> request from 1200 KEO WAY, LLC (Mike Derkenne, Officer) for review and approval of a Preliminary Plat "Matilda Plat 1" on property in the vicinity of 1201 Center Street to allow for the subdivision of an existing rowhouse development into thirty-seven (37) lots. Moved by Gatto to receive and file. Second by Voss. Motion Carried 7-0.

SETTING DATE OF HEARINGS

- <u>24-1566</u>
 18. <u>On</u> conveyance of vacated alley right-of-way located west of and adjoining 822 SE 12th Street to Micheal Cortez for \$50, (12-9-24). Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- <u>On</u> 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 "NX2" Neighborhood Mix District to allow the reconstruction of an existing covered parking structure and retaining wall, (12-9-24). Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 24-1568
 20. 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, (12-9-24). Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Council Member Simonson declares a conflict of interest and abstains from voting.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24-1569 21. Approving payment to Abigail Hall and Gage Keutzer for a property damage claim. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.

APPROVING

- 24-1570
 22. Grant agreements with U.S. Department of Housing and Urban Development (HUD) for funding the City's 2024 Action Plan which is in the fifth year of the 2020-2024 Consolidated Plan. (Council Communication No. 24-472) Moved by Gatto to approve. Second by Voss. Motion Carried 7-0.
- <u>24-1571</u>
 23. <u>Reprogramming</u> of 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). (<u>Council Communication No. 24-473</u>) Moved by Gatto to approve. Second by Voss. Motion Carried 7-0.
- <u>24-1572</u>
 24. <u>Continuum</u> of Care (CoC) Builds application to the U.S. Department of Housing and Urban Development (HUD). (<u>Council Communication No. 24-470</u>) Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Nays: Coleman.
- 24-1573
 25. Commitment of \$700,000 in Community Development Block Grant (CDBG) funds with Des Moines Film Center, LLC for Varsity Lofts at 1213-1215 25th Street, resulting in six (6) total affordable residential rental units. (Council Communication No. 24-471) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 24-1574
 26. Preliminary terms of an Urban Renewal Development Agreement with Des Moines Industrial LLC and Des Moines Industrial Land LLC for the construction of a rail-connected silo infrastructure system, adjacent to the existing operation at 357 SE 15th Street. (Council Communication No. 24-467) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 24-1575
 27. Preliminary terms of an Urban Renewal Development Agreement with Highland Park Flats LLC for the construction of a 12-unit apartment building located at 3608-3610 5th Avenue. (Council Communication No. 24-468) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 24-1576
 28. Intergovernmental transfer of public funds pursuant to agreement with Iowa Department of Human Services (IDHS) and agreement for fiscal years 2025-2026. (Council Communication No. 24-454) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.

- 24-1577
 29. Second Addendum to Agreement for Tree Planting Services with Trees Forever, Inc. and authorizing City Manager to execute. Moved by Gatto to adopt. Second by Voss. Motion Carried 6-0. Council Member Simonson declares a conflict of interest and abstains from voting.
- <u>Second</u> Amendment to Agreement with Downtown Self-Supported Municipal Improvement District (SSMID) for Park, Open Space and Streetscape Maintenance of Principal Riverwalk, Hansen Triangle, Western Gateway Park, East Locust Streetscape and MLK JR. Parkway. (<u>Council Communication No. 24-465</u>) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- <u>Negotiation</u> of agreement with IH Mississippi Valley Credit Union for Brenton Skating Plaza admission and skate rental program. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- <u>Adopting</u> an amended schedule of fees for Cemeteries under Chapter 34 of the City Code.
 (<u>Council Communication No. 24-464</u>) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- <u>Amendment</u> and renewal addendum to agreement with Creative Visions, LLC AKA VIP Violence Interruption Program. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 24-1582
 34. <u>Communication</u> from the Greater Des Moines Partnership on behalf of East Village Association requesting approval of placement for up to 65 banners to be displayed on banner poles in downtown Des Moines beginning November 21, 2024. Moved by Gatto to receive, file and approve. Second by Voss. Motion Carried 7-0.
 - 35. Abatement of public nuisances as follows:
- 24-1583(A) 4600
4600
7-0.Waveland Court. Moved by Gatto to adopt. Second by Voss. Motion Carried
7-0.
- 24-1584 (B) <u>3822</u> E. 28th Street. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 24-1585 (C) 224 Astor Street. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
 - 35-I Items regarding tax increment needs for Fiscal Year (FY) 2025/2026, internal loans to the Tax Increment Fund, and approving the submittal of the Annual Urban Renewal Report (AURR): (Council Communication No. 24-475)
- <u>Advance</u> of funds to the Metro Center Urban Renewal Project for planning, oversight, and administration, \$900,000. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- <u>Communication</u> from the City Manager on Tax Increment Financing (TIF) needs for FY 2025-2026 and certification of <u>TIF</u> indebtedness. Moved by Gatto to adopt the recommendations contained in Council Communication 24-475 for tax increment

financing (TIF) needs for each urban renewal area and to direct the City Manager or his designee to notify the County Auditor of the City of Des Moines' need for a total of \$48,337,781 of tax increment financing revenue for FY 2025-2026 and to make the necessary timely certifications of the amount of loans, advances, indebtedness or bonds including interest negotiated on such loans, advances, indebtedness or bonds which qualify for payment from TIF for each urban renewal area in accordance with Iowa Code Section 403.19 and if there are subsequent reductions in tax increment valuations prior to certification, the City Manager or his designee is authorized to decrease the TIF needs requirement as to be in compliance with the Council's TIF policy. Second by Voss. Motion Carried 7-0.

- 24-1588(C) Urban Renewal Reports for Urban Renewal Plans and Areas within the City of Des
Moines. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- <u>Authorizing</u> Finance Director to draw checks on registers for the weeks of November 18, 25 and December 2, 2024; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 18, 25 and December 2, 2024; to draw checks for biweekly payroll due on November 27, 2024. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.

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

HEARINGS (OPEN AT 5:00 PM) (ITEMS 37 THRU 41)

<u>On</u> 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 December 9, 2024 Council meeting. Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.

WITHDRAWN

24-1591

- (A) First consideration of ordinance above.
- <u>On</u> the proposition to authorize an extension of an existing loan 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. <u>Council Communication No. 24-474</u>) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- <u>On</u> the proposed 2025-2029 Consolidated Plan, which includes the 2025 Action Plan, for the U.S. Department of Housing and Urban Development (HUD). (<u>Council Communication No.</u> 24-476) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.

- <u>On</u> Birdland and Ashworth Pool Building Repairs: Reject all bids and close the hearing on the plans, specifications, form of contract documents, and Engineer's estimate. (<u>Council</u> <u>Communication No. 24-458</u>) Moved by Mandelbaum to adopt. Second by Westergaard. Motion Carried 7-0.
- <u>On</u> Gray's Lake Dock Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Cushman Excavation, LLC (Chad Cushman, Manager), \$2,427,498. (Council Communication No. 24-457) Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 7-0.
- <u>24-1596</u>
- (A) <u>Approval</u> of contract and bond. Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 7-0.

****END HEARINGS AT 5:13 PM****

ORDINANCES FIRST CONSIDERATION

- <u>Amending</u> Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: (Council Communication No. 24-455) Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 7-0.
 - (A) Parking Modifications:
 - (1) 12^{th} Street Keosauqua Way to Crocker Street.
 - (2) Crocker Street -12^{th} Street to Keosauqua Way.
- (B) Final consideration of ordinance above, 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, #16,400. Second by Gatto. Motion Carried 7-0.
- <u>Amending</u> Chapter 2 of the Municipal Code relating to the composition of the Access Advisory Board. (<u>Council Communication No. 24-466</u>) Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Mandelbaum. Motion Carried 7-0.
- (A) Final consideration of ordinance above (waiver requested by Jim Hoff, Assistant City Manager), 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, #16,401. Second by Mandelbaum. Motion Carried 7-0.

<u>Amending</u> Chapter 18 of the Municipal Code relating to agricultural nondomestic animals and exotic animals and the types permitted. Moved by Westergaard that this ordinance be considered and given first vote for passage. Second by Simonson. Motion Carried 6-1. Nays: Gatto.

<u>24-1602</u>

(A) Final consideration of ordinance above, 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, <u>#16,402</u>. Second by Simonson. Motion Carried 6-1. Nays: Gatto.

COMMUNICATIONS/REPORTS

24-160345. Requests to speak as follows: Moved by Westergaard to receive and file. Second by
Mandelbaum. Motion Carried 7-0.

- (A) Adam Buhr.
- (B) Ed Fallon.
- (C) Kathy Byrnes.
- (D) Suzanne Overton.
- (E) Heather Armstrong.

<u>24-1604</u> MOTION TO ADJOURN. Moved by Gatto to adjourn at 5:50 PM. Second by Simonson. Motion Carried 7-0.

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