

25-1015

#### \*\*\* 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 '25-' 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

August 4, 2025 5:00 PM

<u>25-1016</u>	2.	APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
25-1017	3.	APPROVING CONSENT AGENDA * – items 3 through 54: Moved by Gatto to adopt

Mandelbaum and Gatto

ROLL CALL: Present: Boesen, Simonson, Voss, Coleman, Westergaard,

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**

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

# **NEW APPLICATIONS**

(A) AIR LANES	4200 FLEUR DR	Class C Liquor
(B) MEGA SAVER	6304 SW 9TH ST	Class B Retail

# RENEWAL APPLICATIONS

RENEWAL ATTEICATIONS						
(C)	1833 SALOON	1833 HUBBELL	Class C Liquor			
(D)	BAR NICO	428 E LOCUST ST	Class C Liquor			
(E)	BEECHWOOD LOUNGE	416 E WALNUT ST	Class C Liquor			
(F)	BLACKBIRD HOSPITALITY	713 WALNUT ST	Class C Liquor			
(G)	BLUE SUSHI SAKE GRILL	316 COURT AVE	Class C Liquor			
(H)	CAVE DSM	1437 WALNUT ST	Special Class C			
(I)	CHAMLING FOOD	200 ARMY POST	Class B Retail			
(J)	DES MOINES ART CENTER	4700 GRAND AVE	Class C Liquor			
(K)	DJANGO	1420 LOCUST ST	Class C Liquor			
(L)	DRAKE UNIVERSITY	2615 CARPENTER	Special Class C			
(M)	DRAKE UNIVERSITY	2875 UNIVERSITY	Class C Liquor			
(N)	EAST SIDE EDDIES	3517 E 26TH ST	Class C Liquor			
(O)	EL PALOMINO	3116 E 14TH ST	Class B Retail			
(P)	GIT N GO STORE #26	2140 E PARK AVE	Class B Retail			
(Q)	GIT N GO STORE #7	3000 MERLE HAY	Class B Retail			
(R)	HY VEE FAST & FRESH	1113 E ARMY POST	Class E Liquor			
(S)	HY-VEE FAST & FRESH	4701 FLEUR DR	Class E Liquor			
(T)	INGERSOLL TAP	2837 INGERSOLL	Class C Liquor			
(U)	PHO REAL KITCHEN	200 4TH ST	Class C Liquor			
(V)	SECRET ADMIRER	110 SW 5TH ST	Class C Liquor			
(W)	SORIANO LATINO	2300 HICKMAN RD	Class B Retail			
(X)	STAR BAR	2811 INGERSOLL	Class C Liquor			
(Y)	THAI FLAVORS	1254 E 14TH ST	Special Class C			
(Z)	TOADS TAVERN	3002 STATE AVE	Class C Liquor			
(AA	) W-TAO SUSHI	400 WALNUT ST	Class C Liquor			
(BB	)ZOMBIE BURGER	300 E GRAND AVE	Class C Liquor			

# **SPECIAL EVENT APPLICATIONS**

(CC)APRES BAR CO 519 PARK ST 5 days CLASS C LIQUOR LICENSE FOR CANDLELIGHT CONCERT ON AUGUST 16, 2025.

(DD) APRES BAR CO 1415 WOODLAND 5 days SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR IMSN ALUMNI BANQUET ON AUGUST 23, 2025.

(EE) APRES BAR CO 519 PARK ST 5 days

CLASS C LIQUOR LICENSE FOR THE DES MOINES WEDDING SHOW ON AUGUST 24, 2025.

(FF) GREATER DM PARTNERSHIP 1119 LOCUST ST 5 days CLASS C LIQUOR LICENSE FOR THE WORLD FOOD AND MUSIC FESTIVAL ON AUGUST 22 - 24, 2025.

(GG) GREATER DM PARTNERSHIP 1205 LOCUST ST 5 days CLASS C LIQUOR LICENSE FOR THE WORLD FOOD AND MUSIC FESTIVAL ON AUGUST 22 - 24, 2025.

(HH) GREATER DM PARTNERSHIP 1330 GRAND AVE 5 days CLASS C LIQUOR LICENSE FOR THE WORLD FOOD AND MUSIC FESTIVAL ON AUGUST 22 - 24, 2025.

- (II) HY VEE 100 LOCUST ST 5 days SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR AN EVENT ON AUGUST 16, 2025.
- (JJ) SALISBURY HOUSE 4025 TONAWANDA 5 days CLASS C LIQUOR LICENSE FOR GATSBY GALA ON AUGUST 23, 2025.
- 5. City Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits for the following: Moved by Gatto to adopt. Second by Voss. Motion Carried 5-2. Nays: Coleman and Voss.

# **NEW APPLICATIONS**

(A) MEGA SAVER 6304 SW 9<sup>TH</sup> ST

(B) TOBACCO MASTERS 1101 ARMY POST RD

# RENEWAL APPLICATIONS

(C) GOLDENLAND FOOD MARKET 2740 DOUGLAS AVE

(D) SMOKE PLANET 2809 E UNIVERSITY AVE

(E) TRIPPY TIMES 2907 DOUGLAS AVE

6. <u>City</u> Clerk to approve Device Retailer Permits for the following: **Moved by Gatto to adopt.** Second by Voss. Motion Carried 5-2. Nays: Coleman and Voss.

# **NEW APPLICATIONS**

(A) PREMIUM SMOKE 1242 E 14<sup>TH</sup> ST

#### **RENEWAL APPLICATIONS**

(B) OASIS  $630 \text{ SW } 9^{\text{TH}} \text{ ST}$ 

7. City Clerk to issue Coin Operated Machine Licenses. Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Nays: Coleman.

# **PUBLIC IMPROVEMENTS**

- 8. <u>Approving</u> the Fiscal Year 2027 Traffic Safety Improvement Program (TSIP) application to the Iowa Department of Transportation (IDOT) for the Forest Avenue Improvement Project. (<u>Council Communication No. 25-291</u>) **Moved by Gatto to adopt. Second by Voss.**Motion Carried 7-0.
- 8-I. Approval of 28E Agreement with the Iowa State Fair Authority to construct a sidewalk along E. 30th Street from E. University Avenue to E. Grand Avenue. (Council Communication No. 25-302) Moved by Gatto to adopt. Second by Simonson. Motion Carried 7-0.
- 8-II. <u>Approving</u> 28E Agreement with the Iowa State Fair Authority for a temporary traffic signal at E. 30th Street and Maple Street. (<u>Council Communication No. 25-303</u>) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- 9. Approving Supplemental Agreement No. 2 to the Professional Services Agreement with HR Green, Inc. for additional professional services for McKinley Avenue Reconstruction, SW 9th Street to SW 14th Street, not to exceed \$95,940. (Council Communication No. 25-288)

  Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 25-1026

  10. Approving Change Order No. 1 with Jasper Construction Services, Inc. for additional work on SW 9th Street Viaduct Rehabilitation, \$232,660. (Council Communication No. 25-287)

  Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 11. <u>Approving</u> Change Order No. 5 with Synergy Contracting, LLC for additional work on 2nd Avenue Reconstruction from University Avenue to the Des Moines River, \$210,429.30. (<u>Council Communication No. 25-293</u>) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.** 
  - 12. Approving Private Construction Contracts between the following:
- (A) DCI Group, Inc. and Valo Apartments LLC for paving, sanitary and storm sewer improvements adjoining 2400 Carpenter Avenue. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- (B) Estes Company, LLC d/b/a Estes Construction and Des Moines Prep Facilities LLC for storm sewer improvements in E. 5<sup>th</sup> Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- 13. Accepting completed construction and approving final payment for the following:
- 25-1030 (A) 2021 Sewer Repair Contract 1, On Track Construction, LLC. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 25-1031 (B) 2024 Sewer Repair Contract 1, Absolute Concrete Construction, Inc. d/b/a Absolute Group. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 25-1032 (C) Des Moines Levee Alterations Phase B, Peterson Contractors, Inc. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 25-1033 (D) Fleur Drive Rehabilitation from McKinley Avenue to Army Post Road, Inroads, LLC. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.

# SPECIAL ASSESSMENTS

14. <u>Levying</u> assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2025-08. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.

# LAND/PROPERTY TRANSACTIONS

- 25-1035
  15. Partially releasing subdivision bond for Brook Landing Plat 2. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 25-1036

  16. Approval of final subdivision plat and acceptance of subdivision bond for Three Lakes Estates Plat 13. (Council Communication No. 25-295) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 25-1037

  17. Approving 197 tax abatement applications for work completed in 2025. (Council Communication No. 25-296) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 18. <u>Authorization</u> to proceed with acquisition of the necessary property interests for the ML King Jr. Parkway Lane Modifications from I-235 to Hickman Road project. (<u>Council Communication No. 25-292</u>) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

#### BOARDS/COMMISSIONS/NEIGHBORHOODS

- 25-1039
  19. Communication from Kayla Berkson advising of her resignation from the Plan and Zoning Commission, Seat 4, effective immediately. Moved by Gatto to receive, file, and accept resignation with appreciation for her service. Second by Voss. Motion Carried 7-0.
- 20. <u>Communication</u> from Kuuku Saah advising of his resignation from the Zoning Board of Adjustment, Seat 6, effective immediately. **Moved by Gatto to receive, file, and accept resignation with appreciation for his service. Second by Voss. Motion Carried 7-0.**

21. Recommendation from Council Member Mandelbaum to appoint Julian Neely to the Zoning Board of Adjustment, Seat 6, with a term expiring April 6, 2026. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.

#### COMMUNICATIONS FROM PLANNING AND ZONING

- 22. Regarding request from Linette Quintanilla (Owner) for vacation of approximately 2,758 square feet of an east/west alley right-of-way in the vicinity of 232 E. 16th Court, which is within the block bounded by E. 16th Court to the east and a north/south alleyway between Dean and E. Court Avenue, to allow the vacated area to be assembled and 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.
- 23. Regarding Preliminary Plat "The Creek at Echo Valley Plat 2" for 9.14 acres of property in the vicinity of 8050 Golf House Drive to allow the property to be subdivided into fifteen (15) buildable lots and three (3) outlots. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.

# **SETTING DATE OF HEARINGS**

- 24. On vacation of portions of E. 37<sup>th</sup> Street, E. 38<sup>th</sup> Street, E. Jefferson Avenue and Williams Street right-of-way located in the Fourmile Creek Floodplain and conveyance to Polk County Conservation Board for the Lower Fourmile Creek Greenway Project, (8-18-25). Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 25. On vacation of multiple segments of street and alley right-of-way in the vicinity of 201 SE 7<sup>th</sup> Street for City storm water and park improvements, (8-18-25). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- 26. On vacation of the north/south alley right-of way located east of and adjoining 715, 719, 723 and 729 SW 63<sup>rd</sup> street and conveyance to D. Wright Properties, LLC for \$28,500, (8-18-25). Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 27. On request from Cynthia Ruiz Delgado (Owner) and Jaime Zadkiel Rubio Jr. (Owner) to amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of 2002 Indianola Avenue from Low Density Residential to Neighborhood Mixed Use and to rezone from "N5" Neighborhood District to Limited "RX1" Mixed Use District to allow reuse of an existing building for a barbershop, (8-18-25). Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.

28. On request from Jaime Villafana Navarro (Owner) to amend the PlanDSM Creating Our 25-1048 Tomorrow Comprehensive Plan to revise the future land use classification of 1824 Dean Avenue from Low Density Residential to Industrial and to rezone from "N3c" Neighborhood District to Limited "I1" Industrial District to allow reuse of an existing building as a warehouse space for office and storage of vehicles and materials, (8-18-25). Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0. 25-1049 29. On the issuance of not to exceed \$38,000,000 General Obligation Bonds or Capital Loan Notes for essential corporate purposes, (8-18-25). Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0. 30. On the issuance of not to exceed \$33,000,000 General Obligation Urban Renewal Bonds or 25-1050 Capital Loan Notes for essential corporate urban renewal purposes, (8-18-25). Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0. 31. On the issuance of General Obligation Bonds or Capital Loan Notes for the following: 25-1051 (A) On the issuance of not to exceed \$1,335,000 General Obligation Bonds or Capital Loan Notes for general corporate purposes, GCP-1, (8-18-25). Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0. (B) On the issuance of not to exceed \$1,335,000 General Obligation Bonds or Capital Loan 25-1052 Notes for general corporate purposes, GCP-2, (8-18-25). Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0. (C) On the issuance of not to exceed \$1,335,000 General Obligation Bonds or Capital Loan 25-1053 Notes for general corporate purposes, GCP-3, (8-18-25). Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0. 25-1054 (D) On the issuance of not to exceed \$750,000 General Obligation Bonds or Capital Loan Notes for general corporate purposes, GCP-4, (8-18-25). Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0. 25-1055 (E) On the issuance of not to exceed \$900,000 General Obligation Bonds or Capital Loan Notes for general corporate purposes, GCP-5, (8-18-25). Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0. 25-1056 (F) On the issuance of not to exceed \$1,335,000 General Obligation Bonds or Capital Loan Notes for general corporate purposes, GCP-6, (8-18-25). Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0. 25-1057 32. On the proposed Urban Renewal Plan for the Riverview Urban Renewal Area, (9-8-25).

7 8/4/2025

(Council Communication No. 25-299) Moved by Gatto to adopt. Second by Voss.

Motion Carried 7-0.

25-1058

33. On the proposed First Amendment to the Urban Renewal Plan for the SE Industrial Urban Renewal Area, (9-8-25). (Council Communication No. 25-298) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.

# LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 25-1059 34. Approving payment to Aaron Guerrero, Stephanie Luna and Yvette Mixon for a property damage claim. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 25-1060 35. Approving payment to MidAmerican Energy for a property damage claim. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 25-1061 36. Approving payment to Angela Wagaman for a property damage claim. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 25-1062

  37. Approving settlement of the City's claims against Holt Sales and Service, LLC, Ram Development, LLC and MPS Engineers, PC. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 25-1063

  38. Approving payment to Clifford Watkins. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.

#### CITY MANAGER COMMUNICATIONS

25-1064

39. Submitting travel and training for Greater Des Moines Sister Cities Commission Chair Sherill Whisenand. (Council Communication No. 25-301) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.

#### **APPROVING**

- 40. Number not used.
- 41. Number not used.
- 42. <u>Agreement</u> with Mark Kitlinski for the provision of public sanitary sewer service to property outside the City of Des Moines at 4815 Meredith Drive. (<u>Council Communication No. 25-282</u>) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- 43. Funding Agreement with HRC NFS I, LLC (Hubbell Realty Company, Joe Pietruszynski) for acquisition of right-of-way and construction of SW 16th Street improvements south of Tuttle Street. (Council Communication No. 25-297) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.

- 44. Procurement of equipment and installation of a parking access revenue control system for the 1200 Mulberry Garage per Sourcewell contract and authorizing negotiation and execution of a supplemental agreement with Parkeon, Inc. d/b/a Flowbird, estimated amount of \$180,000. (Council Communication No. 25-290) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 45. Authorizing the City Manager to negotiate an agreement with Joppa to develop a tiny home village at the Chesterfield School site at 2501 Maury Street. (Council Communication No. 25-300) Moved by Gatto to adopt. Second by Mandelbaum. Motion Carried 6-0. Council Member Voss declares a conflict of interest and abstains from voting.
- 46. Negotiation and execution of a contract for Weapons of Mass Destruction Hazardous Materials Field Teams with Iowa Department of Health and Human Services. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 47. Negotiation and execution of Blood Product Services Agreement with Catholic Health Initiatives-Iowa, Corp. d/b/a MercyOne Des Moines Medical Center and Lifeserve Blood Center. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 47-I. <u>Appointment</u> of Emily Duffy to Assistant City Attorney II position effective in August 2025 to fill a vacancy created by retirement and promotion. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- 48. Receipt of financial reports from Des Moines Water Works. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 49. Accepting proposal and authorizing contract with Eide Bailly LLP for auditing services, annual estimated amount, \$168,998. (Council Communication No. 25-286) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 50. Purchase from EZ Liner and Arrow Striping Equipment of one (1) replacement truck mounted street long line painter to paint high visibility traffic markings in compliance with national standards per Sourcewell contract for use by the Engineering Department, allowing \$125,000 trade-in allowance for the city's current machine, bringing the total cost to \$488,586. (Council Communication No. 25-285) Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 25-107551. Receive and file Quarterly Treasurer's Report as of June 30, 2025. Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.
- 25-1076
   52. Authorizing Finance Director to draw checks on registers for the weeks of August 4 and 11, 2025; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 4 and 11, 2025; to draw checks for biweekly payroll due on August 8, 2025.
   Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.

#### ORDINANCES SECOND CONSIDERATION

- 25-1077
  53. Amending the franchise fee in Section 6 heretofore granted to Iowa Power and Light Company, predecessor in interest to MidAmerican Energy Company. Moved by Gatto that this ordinance be considered and given second vote for passage. Second by Voss. Motion Carried 4-3. Nays: Coleman, Westergaard, and Gatto.
- 54. Amending the franchise fee in Section 6 heretofore granted to Midwest Gas Company, predecessor in interest to MidAmerican Energy Company. Moved by Gatto that this ordinance be considered and given second vote for passage. Second by Voss. Motion Carried 4-3. Nays: Coleman, Westergaard, and Gatto.

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

# HEARINGS (Open at 5:00 PM) (Items 55-56)

- 55. On conveyance of the west half of the vacated north/south alley right-of-way adjoining 2417 E. 23<sup>rd</sup> Street to William A. Bieghler and Diana M. Bieghler, \$50. **Moved by Westergaard to adopt. Second by Gatto. Motion Carried 7-0.**
- 56. On conveyance of property interests to Polk County for the Iowa Confluence Water Trails Project and to continue the hearing until August 18, 2025. Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.

\*\*\*\*\* END HEARINGS AT 5:04 PM \*\*\*\*\*

# INFORMAL HEARING

25-1081
57. On authorization to proceed with acquisition of the necessary property interests for the Central Place Trail Phase 2 Project. (Council Communication No. 25-294) Moved by Coleman to adopt. Second by Gatto. Motion Carried 7-0.

# ORDINANCES FIRST CONSIDERATION

- 58. Amending Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: (Council Communication No. 25-289) Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 7-0.
  - (A) Parking Modification Locust Street between Robert D. Ray Drive and 2nd Avenue.
  - (B) Parking Modification 10th Street between Locust Street and Grand Avenue.
  - (C) Parking Modification 4th Street between Grand Avenue and Watson Powell Jr. Way.
- (D) 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, #16,484. Second by Gatto. Motion Carried 7-0.

# **COMMUNICATIONS/REPORTS**

- 25-1084 59. Requests to speak as follows: Moved by Gatto to receive and file. Second by Mandelbaum. Motion Carried 7-0.
  - (A) Joe Van Haalen
- 25-1085 MOTION TO ADJOURN. Moved by Boesen to adjourn at 5:13 P.M.

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