

November 2, 2020

West Des Moines City Council Proceedings  
Monday, November 2, 2020

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, November 2, 2020 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, M. McKinney, K. Trevillyan and R. Trimble.

City Clerk Ryan Jacobson stated staff is recommending one amendment to the agenda: the withdrawal of Item 6(c) Purchase Agreement for 7630 Ashworth Road, as there was an error in the published notice, so it will be re-noticed and brought back at a later date.

On Item 1. Agenda. It was moved by Trimble, second by Trevillyan approve the agenda as amended.

Vote 20-477: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports:

Shahna Janssen, West Des Moines Community School District, presented information on the 2020 community needs assessment.

Council member McKinney expressed appreciation to Matt Hauge, Historic Valley Junction Foundation, and Katherine Harrington, West Des Moines Chamber of Commerce, for regularly attending City Council meetings and ensuring the City has good relationships with their organizations. He reported he attended a meeting of the Development and Planning Subcommittee, where a number of development projects were discussed. He also attended a meeting of the Public Arts Advisory Subcommittee, where discussion was held on how to be good stewards of the reduced funding the group expects to receive due to the COVID-19 pandemic's impact on hotel/motel tax revenue.

Council member Hudson reported he attended a meeting of the Greater Des Moines Convention and Visitors Bureau, where discussion was held on spending cuts due to the COVID-19 pandemic's impact on hotel/motel tax revenue. He also attended a meeting of the Community Compliance Subcommittee, where staff was directed to be more proactive with enforcing community compliance issues. He also encouraged the public to vote in tomorrow's election.

Council member Trimble reported he attended a meeting of the Polk County Disaster Recovery Advisory Committee, where discussion was held on a "stay safe" pledge program, providing heaters for restaurants with outdoor patios, and encouraging the public to continue wearing face

masks and practicing social distancing.

Council member Hardman encouraged the public to vote in tomorrow's election. She stated she has received a number of calls from citizens requesting the City issue a mask mandate, which she understands the City does not have the authority to do, but she encourages everyone to continue wearing face masks while in public places. She reported she attended a ribbon cutting ceremony for the West Des Moines Public Library's new kiosk in Valley Junction. She also reported she attended a meeting of the Human Rights Commission's Martin Luther King Day planning committee, where discussion was held on ideas for the Martin Luther King Day event in 2021.

On Item 4. Consent Agenda.

Council members pulled Items 4(i)1, 4(i)3, 4(i)4, 4(i)6, 4(i)7, and 4(i)8 for discussion. It was moved by Trimble, second by Hudson to approve the consent agenda as amended.

- a. Approval of Minutes of October 19, 2020 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  - 1. On The Rise Valley West, LLC, d/b/a Blaze Pizza, 1551 Valley West Drive, Suite 225 - Class BW Permit with Sunday Sales and Outdoor Service - Renewal
  - 2. Lovely Food Mart, Inc. d/b/a Indian Grocery, 6630 Mills Civic Parkway, Suite 3110 - Class BC Permit with Sunday Sales - Renewal
  - 3. Pad Thai Garden, LLC d/b/a Pad Thai Garden Restaurant, 1221 8<sup>th</sup> Street – Class BW Permit with Native Wine - Renewal
  - 4. Target Corporation d/b/a Target Store T-0069, 1800 35<sup>th</sup> Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
- d. Withdraw Consideration of Bid - Valley View Aquatic Center Three Meter Diving Platform (Continued from October 19, 2020)
- e. Approval to Purchase Traffic Signal Hardware - Traffic Signal System Update
- f. Approval of Service Agreement - ClearPath Weather Services
- g. Approval of Change Order #7 - MidAmerican Energy RecPlex General Construction
- h. Accept Work:
  - 1. City Entrance Enhancement Signs, Phase 1A
  - 2. Veterans Parkway, SE Maffitt Lake Road to SE Adams Street
- i. Approval of Professional Services Agreements:
  - 2. Grand Avenue West Segment 5B Sewer
  - 5. Grand Avenue, South 88<sup>th</sup> Street to South Grand Prairie Parkway
- j. Approval of Deer Management Zone - 104 South 1<sup>st</sup> Street
- k. Proclamation - Veterans Day - November 11, 2020

Vote 20-478: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 4(i) Approval of Professional Services Agreements:

1. Booneville Road, South 100<sup>th</sup> Street to South 115<sup>th</sup> Street
3. Grand Avenue West Segment 7A Sewer
4. Grand Avenue West Segment 5BA Sewer
6. Grand Avenue, South Grand Prairie Parkway to South 115<sup>th</sup> Street
7. South Grand Prairie Parkway, Stagecoach Drive to Booneville Road
8. South Grand Prairie Parkway, Booneville Road to Grand Avenue

Council member McKinney stated he will abstain on these items due to a potential conflict of interest.

It was moved by Trimble, second by Hudson to approve Items 4(i)1, 4(i)3, 4(i)4, 4(i)6, 4(i)7, and 4(i)8.

Vote 20-479: Hardman, Hudson, Trevillyan, Trimble ... 4 yes  
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

On Item 5(a) Bridgewood, northeast and southeast corners of 81st Street and Bridgewood Boulevard - Amend Planned Unit Development (PUD) Setback Requirements, initiated by Bridgewood Association, Inc.

It was moved by Trimble, second by McKinney to consider the second reading of the ordinance.

Vote 20-480: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by McKinney to approve the second reading of the ordinance.

Vote 20-481: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

It was moved by Trimble, second by McKinney to waive the third reading and adopt the ordinance in final form.

Vote 20-482: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(b) Amendment to City Code - Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) - Modify When the Average Front Yard Setback Requirement is Applied, initiated by the City of West Des Moines.

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It was moved by Hardman, second by Hudson to consider the second reading of the ordinance.

Vote 20-483: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Hardman, second by Hudson to approve the second reading of the ordinance.

Vote 20-484: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

It was moved by Hardman, second by Hudson to waive the third reading and adopt the ordinance in final form.

Vote 20-485: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 5(c) Amendment to City Code - Title 3 (Business and Licensing), Chapter 6 (Massage Establishments and Technicians) - Update Application Requirements for a Massage Therapy Business License, initiated by the City of West Des Moines.

It was moved by Hudson, second by Trevillyan to consider the second reading of the ordinance.

Vote 20-486: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Hudson, second by Trevillyan to approve the second reading of the ordinance.

Vote 20-487: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

It was moved by Hudson, second by Trevillyan to waive the third reading and adopt the ordinance in final form.

Vote 20-488: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Glen Oaks PUD Parcel 'L', northwest corner of Raccoon River and Grand Avenue - Amend the Planned Unit Development (PUD) to Remove a Portion of Parcel 'L' from the PUD, Amend the

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Comprehensive Plan Land Use Map to Change the Property from Support Commercial to Office and Consistency Zone the Property to Office, initiated by JCG Equity, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 16, 2020 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 7-0, the Plan and Zoning Commission recommended City Council approval of the PUD amendment, comprehensive plan amendment, and consistency zoning.

Mayor Gaer asked if there were any public comments.

Bishop Engineering, representing the applicant, expressed appreciation to City staff for their assistance with this development project, and stated they are available to answer any questions.

Mayor Gaer asked if there were any additional public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by McKinney to consider the first reading of the ordinance (PUD Amendment).

Vote 20-489: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by McKinney to approve the first reading of the ordinance (PUD Amendment).

Vote 20-490: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

It was moved by Trimble, second by McKinney to adopt Resolution - Approval of Comprehensive Plan Amendment.

Vote 20-491: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

It was moved by McKinney, second by Hardman to consider the first reading of the ordinance (Consistency Zoning).

Vote 20-492: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

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It was moved by McKinney, second by Hardman to approve the first reading of the ordinance (Consistency Zoning).

Vote 20-493: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Glen Oaks, south of Mills Civic Parkway at Glen Oaks Drive - Amend the Planned Unit Development (PUD) to Remove PUD Parcels K and K1, Add Property to Parcel E and Change the Zoning from Open Space to Medium Density Residential, and Add Property to Parcel G and Change the Zoning from Open Space to Residential Single Family, initiated by GOCC Investments, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 16, 2020 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 7-0, the Plan and Zoning Commission recommended City Council approval of the PUD amendment.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Hudson to consider the first reading of the ordinance.

Vote 20-494: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Hudson to approve the first reading of the ordinance.

Vote 20-495: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(c) Purchase Agreement with Czech Mate, LLC and Hope K. Farms, LLC - Acquisition of Property Located at 7630 Ashworth Road, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Hudson to adopt Motion - Acceptance of Withdrawal.

Vote 20-496: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(d) Conveyance of Excess Property to Warren County Conservation - Approximately 5.84 Acres Located at the Southwest Corner of Veterans Parkway and the Great Western Bike Trail, initiated by the City of West Des Moines

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It was moved by Trevillyan, second by Hudson to adopt Motion - Continue Public Hearing to November 16, 2020.

Vote 20-497: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider Sugar Creek Conveyance Improvements, Phase 2, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 23, 2020 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Peterson Contractors, Inc.

Vote 20-498: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider Grand Avenue West Segment 3 and 4 Sewers, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 23, 2020 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by McKinney, second by Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Vanderpool Construction, Inc.

Vote 20-499: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(a) Westport Plat 2, western terminus of Westport Drive - Subdivide Property into 36 Single Family Lots, Three Street Lots, One Outlot for Detention, and One Outlot for Future Development, initiated by Westport Development, LLC

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It was moved by Trimble, second by Hudson to adopt Resolution - Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements.

Vote 20-500: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(b) Banks Landing Plat 1, northwest corner of South 88th Street and Booneville Road - Subdivide Property into 27 Lots for Single Family Development, One Public Street Lot, and Two Outlots, initiated by Banx Landing, LLC

It was moved by McKinney, second by Hudson to adopt Resolution - Approval of Preliminary Plat, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 20-501: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(c) Apex Dental, 725 South 51st Street - Approval of Site Plan to Construct a 10,551 sq. ft. Dental Office, initiated by Brad Richtsmeier

It was moved by Trimble, second by Hardman to adopt Resolution - Approval of Site Plan, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 20-502: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

On Item 7(d) Parcel 20-83, southeast corner of South 115th Street and Booneville Road - Plat of Survey for Transfer of Ownership, initiated by W & G McKinney West Farm, L.C.

It was moved by Trimble, second by Hardman to adopt Resolution - Approval and Release of Plat of Survey, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 20-503: Hardman, Hudson, Trevillyan, Trimble ... 4 yes  
McKinney ... 1 abstain due to potential conflict of interest  
Motion carried.

On Item 8 - Receive, File and/or Refer: no items

On Item 9 - Other Matters: none

The meeting was adjourned at 6:20 p.m.



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It was moved by Trimble, second by Trevillyan to go into Executive Session per Chapter 21 of the Iowa Code, to discuss pending/threatened litigation.

Vote 20-504: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

Entered Executive Session at 6:24 p.m. with the following persons present in the Council Chambers of City Hall: Mayor Gaer, Council members Hardman, Hudson, McKinney, Trevillyan, and Trimble; City Attorney, City Clerk, and retained legal counsel Michelle Brott.

City Attorney left the executive session at 6:26 p.m.

It was moved by Trimble, second by Trevillyan to adjourn from Executive Session.

Vote 20-505: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes  
Motion carried.

Executive Session was adjourned at 7:14 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC  
City Clerk

ATTEST:

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Steven K. Gaer, Mayor