April 19, 2021

West Des Moines City Council Proceedings
Monday, April 19, 2021

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, April 19, 2021 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, M. McKinney, and R. Trimble. Council member K. Trevillyan participated via teleconference.

City Clerk Ryan Jacobson stated staff is recommending the agenda be amended to remove Item 4(j) Parental Leave Policy so it can be reviewed by the Public Safety Subcommittee before coming back for council consideration. He also noted the Resolution language has been revised for Item 4(v) Temporary Moratorium on Development Activities in Valley Junction.

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

Mayor Gaer stated a letter was received earlier today from Mediacom objecting to Items 4(m)1 and 4(m)2.

Vote 21-146: 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:

Council member McKinney reported the Development and Planning Subcommittee met and discussed the proposed development of a hyper energy drink bar and potential amendments to the City Code needed to allow for that proposed development. He also reported the Metropolitan Planning Organization is discussing the possibility of establishing an economic development district for several central Iowa counties, which would provide opportunities to seek federal funds for economic development projects. He noted the Metropolitan Advisory Council will discuss how cities plan to use funding received through the American Rescue Plan at its upcoming meeting.

Council member Trimble provided an update on the activities of the Human Services Department. He also reported the water trails and greenways committee is continuing to work on establishing the organization's governance structure, and they have agreed to allow a dedicated West Des Moines representative on the executive committee, as well as a business person from the western suburbs.

Council member Trevillyan reported his foot is healing, and he anticipates being back in person for the May 3rd City Council meeting.

Council member Hudson reported he attended a meeting of the Community Compliance Subcommittee, where discussion was held on a couple properties. He also expressed appreciation to the Community Compliance staff for their efforts. He also attended a meeting of the Bicycle Advisory Commission, where they welcomed two newly appointed members. He reported he also attended a "Brave Spaces" event at Waukee South Middle School, which was a very positive event.

Council member Hardman reported the Black and Brown Business Summit, hosted by the West Des Moines Chamber of Commerce, will be held April 22-23. She also reported this is Affordable Housing Week, and the Polk County Housing Trust Fund is promoting a campaign titled "Here We Grow: Achieving Housing Equity, Affordability and Accessibility in Metro Des Moines." She noted this week is also National Volunteer Week, and she expressed appreciation to all the city board and commission members that serve on a volunteer basis to help this city.

Mayor Gaer reported the Metropolitan Planning Organization has established a US 65/Iowa 5 Bypass Redesignation Task Force, which includes himself and City Manager Tom Hadden, and it will seek redesignation of the bypass as a federal highway.

On Item 4. Consent Agenda.

Council members pulled Items 4(e), 4(m)1, 4(m)2, and 4(m)5 for discussion. It was moved by Trimble, second by Hardman to approve the consent agenda as amended.

a. Approval of Minutes of April 5, 2021 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. LVP FFI Des Moines Holding Corp. d/b/a Fairfield Inn West Des Moines, 7225 Vista Drive - Class BC Permit with Carryout Wine and Sunday Sales - Renewal
    2. Foundry Distilling Company, LLC d/b/a Foundry Distilling Company, 111 South 11th Street, Suite 100 - Class C Native Distilled Spirits License Expansion of Outdoor Service - May 1, 2021
    3. Historic Valley Junction Foundation d/b/a Historic Valley Junction Foundation, 137 5th Street - Six-Month Class LC Liquor License with Outdoor Service - New
    4. Hy-Vee, Inc. d/b/a Hy-Vee Drugstore #2, 1010 60th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    5. St. Francis of Assisi Roman Catholic Church d/b/a St. Francis of Assisi Church, 7075 Ashworth Road - Class BW Permit with Sunday Sales - Renewal
    6. Kumar and Singh, LLC d/b/a University Liquors, 9250 University Avenue, Unit 115 - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - New
    7. T-Bowl Investments Inc. d/b/a Val Lanes Recreation Center, 100 Ashworth Road Class LC Liquor License with Sunday Sales - Renewal

8. Wasabi Group Inc. d/b/a Wasabi, 9500 University Avenue, Suite 2101 - Class LC Liquor License with Carryout Wine, Sunday Sales and Outdoor Service – Renewal

d. Approval of Tobacco Permit

f. Approval of Purchases:
   1. Citizen Self Service and eReview
   2. MidAmerican Energy RecPlex E-Sports Center Gaming Computers

g. Approval of Contract Agreement - Jordan Cemetery Grave Preparation Services

h. Approval of Change Orders:
   1. MidAmerican Energy RecPlex, Audio/Video and Digital Signage, #1
   2. MidAmerican Energy RecPlex, General Construction, #17

i. Approval of Amendment No. 1 to Professional Services Agreement - Grand Avenue, South Grand Prairie Parkway to South 115th Street

j. Removed

k. Approval of Compensation - City Manager

l. Establish Public Hearing - Issuance of Not to Exceed $91,900,000 General Obligation Urban Renewal Bonds

m. Order Construction:
   3. Booneville Road, South 100th Street to South 115th Street
   4. West Grand Business Park, Booneville Road to Grand Avenue
   6. 2021 Court Improvements
   7. Crossroads Park Tennis Court Lighting
   8. Valley View Park North Loop Road Extension Project

n. Accept Work - MidAmerican Energy RecPlex, Grading and Site Utilities

o. Approval of Temporary Railroad Crossing Agreement - Grand Avenue, South Grand Prairie Parkway to South 115th Street

p. Approval to Allow a Wrought Iron Fence in a Landscape Buffer - 1477 South Sugar Creek Court

q. Establish Consultation Meeting and Public Hearing - Amendment #3 to the Fuller Road Urban Renewal Area

r. Approval of Agreement with Microsoft Corporation for the Design and Installation of Fiber Conduit Related to Project Osmium

s. Approval of Lease Agreement with Migliero Real-Estate, Inc. d/b/a G. Mig's 5th Street Pub to Allow Use of City's Walkways and Sidewalks as Outdoor Service

t. Approval and Acceptance of Purchase Agreement and Property Interests – Ashworth Road Reconstruction, Phase 4

u. Approval and Acceptance of Property Interests:
   1. 2020 Channel Repair Program
   2. 88th Street Reconstruction, Ashworth Road to Abram Drive
   3. High Street Storm Sewer Improvements
   4. SE Salix Drive, Veterans Parkway to SE 1st Street
   5. West Grand Business Park, Booneville Road to Grand Avenue
   6. Art on the Campus Exhibit

v. Approval of a Temporary Moratorium on Certain Development Activities in the Historic Valley Junction Business District

w. Approval of Proclamations:
   1. Neurofibromatosis Awareness Month, May 2021
   2. Earth Day, April 22, 2021
   3. Arbor Day, April 30, 2021

Vote 21-147: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(e) Approval to Terminate Grant Agreement - 2020 Emergency Solutions Grant - Iowa Finance Authority

Council member McKinney requested clarification on the reason this grant agreement is being terminated.

Althea Holcomb, Human Services Director, responded the COVID-19 pandemic and staffing limitations precluded them from utilizing this grant funding as planned, so staff felt the responsible thing to do was to return the grant funding to the Iowa Finance Authority so it could be awarded to another entity that can use it.

It was moved by McKinney, second by Hudson to approve Item 4(e) Approval to Terminate Grant Agreement - 2020 Emergency Solutions Grant - Iowa Finance Authority.

Vote 21-148: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Items 4(m)1 Order Construction - Digital Enterprise Conduit Deployment Segment 3, Phase 2 and 4(m)2 Order Construction - Digital Enterprise Conduit Deployment Segment 5, Phase 3 - Raccoon River Crossing

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

It was moved by Hudson, second by Trimble to approve Items 4(m)1 Order Construction - Digital Enterprise Conduit Deployment Segment 3, Phase 2 and 4(m)2 Order Construction - Digital Enterprise Conduit Deployment Segment 5, Phase 3 - Raccoon River Crossing.

Vote 21-149: Hardman, Hudson, Trevillyan, Trimble … 4 yes
McKinney … 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(m)5 Order Construction - Grand Avenue West Segment 5B and 7A Sewers

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

It was moved by Trimble, second by Hudson to approve Item 4(m)5 Order Construction - Grand Avenue West Segment 5B and 7A Sewers.

Vote 21-150: Hardman, Hudson, Trevillyan, Trimble … 4 yes
McKinney … 1 abstain due to potential conflict of interest
Motion carried.

Mayor Gaer read Proclamation - Neurofibromatosis Awareness Month.

On Item 5(a) Microsoft DSM 40, 11100 Booneville Road - Amend the Zoning Map to Establish Light Industrial Land Use and Zoning, initiated by Microsoft Corporation

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

Vote 21-151: 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 second reading of the ordinance.

Vote 21-152: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 21-153: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) Village of Ponderosa, 545, 565, and 570 Market Street and 5905 Stagecoach Drive - Amend the Specific Plan Ordinance to Modify Setback and Maximum Height Limitations, initiated by LENL, LLC

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

Vote 21-154: Hardman, Hudson, McKinney, Trimble … 4 yes
Trevillyan … 1 no
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 21-155: Hardman, Hudson, McKinney, Trimble … 4 yes
Trevillyan … 1 no
Motion carried.

On Item 5(c) Amendment #11 to the Amended and Restated Mills Parkway Urban Renewal Area, initiated by the City of West Des Moines

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

Vote 21-156: 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 Trimble to approve the second reading of the ordinance.

Vote 21-157: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 21-158: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(d) Grand Prairie Parkway Urban Renewal Area, initiated by the City of West Des Moines

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

Vote 21-159: 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 21-160: 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 21-161: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(a) South Branch Business Park, southwest corner of SE Army Post Road and SE 42nd Street - Amend the Comprehensive Plan Land Use Map and Amend the Zoning Map to Designate 12 Acres of General Industrial Land Use and to Establish the South Brand Business Park Planned Unit Development (PUD), initiated by SBBP JV21, LLC

It was moved by Trimble, second by Hudson to adopt Motion - Continue Public Hearing to May 3, 2121.

Vote 21-162: 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 Wendy's, 225 and 301 Grand Avenue - Establish the Wendy's Planned Unit Development (PUD) to Govern Development of a Wendy's Restaurant, initiated by Wendy's West Maple, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 6, 2021 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 ordinance.

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 21-163: 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 21-164: Hardman, Hudson, McKinney, Trevillyan, Trimble …5 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider West Glen Town Center North Village, 450 South Prairie View Drive - Amend the Specific Plan Ordinance for Parcel A to Allow Residential Development, initiated by WD Real Estate Holdings, Inc. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 8, 2021 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 specific plan 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 Hardman to consider the first reading of the ordinance.

Vote 21-165: 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.

Vote 21-166: Hardman, Hudson, McKinney, Trevillyan, Trimble …5 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Agreement for Private Development - Project Ginger West, initiated by Microsoft Corporation. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 9, 2021 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 Trimble, second by Hudson to adopt Resolution - Approval of Agreement.

Vote 21-167: 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 Conveyance of Easement for Public Highway to the Iowa Department of Transportation - Northwest Corner of Raccoon River and Highway 28, 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 April 14, 2021 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 Hardman, second by McKinney to adopt Resolution - Approval of Conveyance of Easement.

Vote 21-168: 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 South Grand Prairie Parkway, Stagecoach Drive to Mills Civic Parkway, 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 April 9, 2021 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 Hudson, second by Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Defer Award of Contract.

Vote 21-169: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider Holiday Park Access Road, 9th Street to 11th Street, 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 April 9, 2021 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 Trimble, second by Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Alliance Construction Group, LLC.

Vote 21-170: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) MidAmerican Energy Company RecPlex Plat 1, 6500 Grand Avenue - Subdivide Property into One Lot for Commercial Development and Four Outlots, initiated by the City of West Des Moines

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

Council member Trimble inquired if staff has determined a date yet when this facility will be ready to open to the public.

City Manager Tom Hadden responded staff is working to get it ready as soon as possible, but the opening date will likely be sometime this summer.

Vote 21-171: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Westridge Elementary, 5500 EP True Parkway - Approval of Major Modification to Allow a 10,000 sq. ft. Classroom Addition, initiated by West Des Moines Community School District

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

Vote 21-172: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) Sustainable Trades Education Program - Approval of City's Participation in the Program, initiated by Iowa Skilled Trades

It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval of Participation and Approval and/or Ratification of Specific Fees and Charges, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 21-173: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

April 19, 2021

On Item 9(a) Legislative Updates

Jamie Letzring, Deputy City Manager, reported on SF 587, which is a bill that would phase out the existence of a backfill. The City is currently registered as undecided, but staff is continuing to monitor this bill, as it could have a significant impact on the City's property tax revenue. She noted there has been discussion of a potential fireworks bill, but no such bill has been officially filed yet.

The meeting was adjourned at 6:24 p.m.

Respectfully submitted,

_____

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

_____

Steven K. Gaer, Mayor