

January 19, 2021

West Des Moines City Council Proceedings
Tuesday, January 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 Tuesday, January 19, 2021 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, M. McKinney, and K. Trevillyan. Council member R. Trimble participated via teleconference.

City Clerk Ryan Jacobson stated staff is recommending the agenda be amended to remove Item 4(q) Conveyance of Property Interest for Channel Repair Program. He also noted the Resolution for Item 7(a) Covenant Cove Plat 2 has been amended to remove the condition of approval.

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

Vote 21-010: 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 Hardman reported the Martin Luther King Jr. Day event hosted by the City and the West Des Moines Chamber of Commerce on Friday, January 15th was a success, and she expressed appreciation to everyone that assisted with the planning and coordination of that event.

On Item 4. Consent Agenda.

Council members pulled Items 4(g)1, 4(g)2, 4(j)1, 4(k)1, 4(k)2, 4(k)3, 4(k)4, 4(m)2, 4(m)3 and 4(m)4 for discussion. It was moved by Trimble, second by Hardman to approve the consent agenda as amended.

- a. Approval of Minutes of January 4, 2021 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. Cyd's Catering, LLC d/b/a Cyd's Catering, 4000 Turnberry Drive - Class LC Liquor License with Catering Privileges - Renewal
 2. Hy-Vee, Inc. d/b/a Hy-Vee West Des Moines Health Market, 375 South Jordan Creek Parkway - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
 3. HOA Hotels, LLC d/b/a Johnny's Italian Steakhouse, 6075 Mills Civic Parkway – Class LB Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal

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4. Laughingcrabia, Inc. d/b/a Laughing Crab, 4508 University Avenue - Class LC Liquor License with Outdoor Service - Renewal
5. Blue Tuesday, LLC d/b/a Mitzi's Sausages, 206 5th Street - Class LC Liquor License with Sunday Sales - Renewal
6. Muldoon Enterprises LIC d/b/a WineStyles, 5515 Mills Civic Parkway, Suite 120 - Class BW Permit with Carryout Wine, Sunday Sales, and Outdoor Service - Renewal
- d. Acceptance of 2021 Emergency Solutions Grant - Iowa Finance Authority
- e. Approval of Agreement with Jen Stanbrough and Jeffrey Stanbrough for MidAmerican Energy RecPlex Locker Room Naming Rights
- f. Approval of Professional Service Agreements:
 1. 2021 Court Improvements Design
 2. Crossroads Park Court Lighting and Electrical Improvements Design
 3. Valley View Park Pickleball Courts and Ancillary Improvements
- h. Approval of Change Orders:
 1. MidAmerican Energy RecPlex - Interior Signage, #1
 2. Levee Trail Improvements, #2
 3. Library Interior Renovations, #6
- i. Establish Public Hearing - FY 2021-22 Proposed Maximum Property Tax Dollars
- j. Order Construction:
 2. MidAmerican Energy RecPlex - Interior Signage Package #2
- l. Accept Work:
 1. Grand Avenue Reconstruction East of I-35
 2. Jordan Creek Parkway and Ashworth Road Intersection Improvements
 3. South 33rd Street and Fuller Road Retaining Wall Improvements
 4. South 85th Street, Cascade Avenue to Mills Civic Parkway
 5. Nature Lodge HVAC Replacement, Roof Repairs and Exterior Improvements
 6. Garage Door Replacement - Public Services Facility and Public Safety Stations #17, #18 and #19
 7. Levee Trail Improvements
- m. Approval of Professional Services Agreements:
 1. 2021 Bridge Inspection Program
- n. Approval and Acceptance of Parkland Dedication Agreement - Glen Meadows, 850 South 60th Street
- o. Approval of First Amendment to Agreement with Hy-Vee, Inc. for MidAmerican Energy RecPlex Fieldhouse Naming Rights
- p. Approval and Acceptance of Purchase Agreement and Property Interest – Veterans Parkway, SE Adams Street to SE 50th Street
- q. removed
- r. Establish Consultation Meeting and Public Hearing - University Avenue Corridor Urban Renewal Area
- s. Approval of Grant Agreement with the Iowa Economic Development Authority – Community Development Block Grant Program COVID-19 Funds

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t. Proclamation - West Des Moines Day of Kindness - January 29, 2021

Vote 21-011: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(g) Approval of Amendments to Professional Services Agreements:

1. Booneville Road Reconstruction, South 88th Street to west of South 100th Street
2. Valley View Park Central Site Grading, Utilities and North Roadway

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

It was moved by McKinney, second by Hudson to approve Items 4(g)1 and 4(g)2.

Vote 21-012: Hardman, Hudson, McKinney, Trimble ... 4 yes
Trevillyan ... 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(j)1 Order Construction - Digital Enterprise Conduit Deployment Segment 5, Phase 1

Mayor Gaer noted a letter was received earlier today from Mediacom objecting to this item among others. He requested City Attorney Dick Scieszinski read the list of items Mediacom is objecting to.

City Attorney Scieszinski responded that Mediacom is objecting to Items 4(j)1, 4(j)2, 4(k)1, 4(k)2, 4(k)3, 4(k)4, 4(m)2, 4(m)3, 4(m)4, 6(i), and 6(j).

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(j)1 Order Construction - Digital Enterprise Conduit Deployment Segment 5, Phase 1.

Vote 21-013: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(k) Award Contract:

1. Digital Enterprise Conduit Network Large Rectangular Vaults
2. Digital Enterprise Conduit Network Large Round Vaults
3. Digital Enterprise Conduit Network Medium Round Vaults
4. Digital Enterprise Conduit Network Small Round Vaults

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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(k)1, 4(k)2, 4(k)3, and 4(k)4.

Vote 21-014: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

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

2. West Des Moines Digital Enterprise Network Segment 1
3. West Des Moines Digital Enterprise 2021 Single-Family Drop Conduit Installation
4. West Des Moines Digital Enterprise 2021 Multi-Family and Non-Residential Drops

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

It was moved by Hudson, second by Hardman to approve Items 4(m)2, 4(m)3, and 4(m)4.

Council member Trimble requested that staff and the contractors ensure there is strong communication with the homeowners before digging on their lawns and ensure they do a really good restoration job after the conduit installation.

Brian Hemesath, City Engineer, stated staff is working with JCG Land Services and Strategic America to create construction communication to distribute to homeowners. He also noted most of the conduit installation will cause very minimal damage to residents' yards, but any restoration needed will be done immediately.

Vote 21-015: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

Mayor Gaer read Proclamation - West Des Moines Day of Kindness.

On Item 5(a) Funding Allocations for Citywide Housing Programs, initiated by the City of West Des Moines (Continued from January 4, 2021)

Council member Trimble stated he has spoken with staff and learned more about these housing programs, and he noted the current two-year waiting list is not atypical. He recommended that \$25,000 of the funding allocation for the rental housing development support be allocated to the

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owner-occupied rehabilitation, which would help fund the rehabilitation of two additional homes on that program's waiting list.

It was moved by Trimble, second by Trevillyan to adopt Motion - Approval of Subcommittee Recommendation with the following amendments: the allocation for Rental Housing Development Support decreased from \$400,000 to \$375,000 and the allocation of Owner-Occupied Rehabilitation increased from \$100,000 to \$125,000.

Council member McKinney stated he initially wanted to see some of these funds used to provide assistance for struggling small businesses; however, after speaking with staff, he has learned that is not an option for these funds, so he supports the amended motion made by Council member Trimble. He stated he still would like staff to research options for providing financial assistance to small businesses.

Council member Trevillyan expressed support for the amended motion, as he was frustrated about the two-year waiting list for the owner-occupied rehabilitation program. He also requested that staff look into changes to the process, as they currently wait until the funding is available for an application before determining if the applicant is eligible.

Council member Hardman expressed support for the amended motion. She also stated the City needs to continue the conversation on the issue of affordable housing and continue seeking incremental progress on that issue.

Council member Hudson expressed support for the amended motion. He noted these housing programs help make our community stronger, and he expressed appreciation to his fellow elected officials and staff for their support of these programs.

Mayor Gaer noted the comprehensive plan update could help identify where affordable housing should go in West Des Moines.

Vote 21-016: 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 West Glen North Village, 450 South Prairie View Drive - Amend Comprehensive Plan Land Use Map to Change approx. 17.285 acres from Office and Regional Commercial to Medium Density Residential to Allow for the Construction of Townhomes, 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 January 1, 2021 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission recommended City Council approval of the comprehensive plan amendment.

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

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

Vote 21-017: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) Agreement for Private Development (Upper Story Housing Program) - 304 5th Street, initiated by Junction Development Catalyst, LLC

It was moved by Hudson, second by Trimble to adopt Motion - Continue Public Hearing to February 1, 2021.

Vote 21-018: 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 First Amendment to Agreement for Private Development, initiated by Sammons Financial Group, Inc. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 8, 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 Hudson to adopt Resolution - Approval of First Amendment to the Agreement.

Vote 21-019: 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 Vacation of a Portion of Fuller Road and Termination of a Portion of Public Roadway Easement, 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 January 7, 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.

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

Vote 21-020: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 21-021: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by McKinney, second by Hardman to adopt Resolution - Approval of Termination of a Public Roadway Easement and Conveyance of a Portion of Vacated Fuller Road.

Vote 21-022: 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 Ginger West, 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 January 8, 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.

Mark Lee, Lee Chamberlin Consultant Engineers, stated he is speaking on behalf of a property owner that is in favor of the proposed project but is not in favor of the proposed alignment for Grand Avenue shown on the map included with the council communication. He stated they would be willing to discuss their concerns regarding the proposed alignment with City staff.

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

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

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Acquisition of Agricultural Property.

Council member Trimble inquired if the Grand Avenue alignment has been finalized.

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Brian Hemesath, City Engineer, responded Grand Avenue might not even be constructed as part of this project. If Grand Avenue is constructed, there are not many options for the alignment, so it would likely be very close to the proposed alignment shown on the map.

Vote 21-023: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider West Grand Business Park, 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 January 8, 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 Hudson to adopt Resolution - Approval of Acquisition of Agricultural Property.

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

Vote 21-024: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider SE County Line Road, Veterans Parkway to SE Soteria Avenue, 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 January 8, 2021 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated there was one petition received which was included with the council communication.

Mayor Gaer asked if there were any public comments.

Marc Abels, 400 Locust Street, Suite 400, Des Moines, speaking on behalf of the homeowners of Lakeland Estates, stated the petition submitted was signed by every landowner along SE County Line Road, from Veterans Parkway to SE Soteria Avenue, and it requested that the City keep them informed of all plans under consideration and that any improvements to SE County Line Road remain within the existing road right-of-way. He stated the homeowners of Lakeland Estates are generally supportive of the proposed reconstruction of SE County Line Road, however they are absolutely opposed to it becoming a four lane road, as they are concerned

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about encroachment on their properties, the removal of landscaping and trees, and the loss of privacy on their property. He noted this acquisition resolution indicates the roadway design has been approved, but city staff have informed him the design has not yet been finalized or approved.

Ben Lors, 8078 45th Lane, Cumming, inquired why the City would approve the acquisition of agricultural property for this project when the design has not yet been finalized. He requested that the City Council defer action on this item until the design is finalized so that the residential homeowners are able to understand the impact.

City Attorney Dick Scieszinski stated it would be appropriate for the City Council to continue this public hearing and bring it back once the design has been finalized.

It was moved by Hardman, second by McKinney to adopt Motion - Continue Public Hearing Indefinitely.

Vote 21-025: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider SE Salix Drive, Veterans Parkway to SE 1st 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 January 8, 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 McKinney, second by Hardman to adopt Resolution - Approval of Acquisition of Agricultural Property.

Council member Trevillyan inquired if there is a similar issue with this project as the previous item and the design has not been finalized sufficiently for the property owners to understand the impact of the project.

Brian Hemesath, City Engineer, responded the design for SE Salix Drive is finalized and there will not be any changes to the proposed alignment. He noted the impacted property owners are all aware of the proposed alignment for this project and have not raised any issues with it.

Vote 21-026: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider Digital Enterprise Last Mile Conduit Deployment Segment 2, Phase 1, 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 January 8, 2021 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated one correspondence was received today, copies of which have been placed on the dais.

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

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

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

Vote 21-027: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

On Item 6(j) Mayor Gaer indicated this was the time and place for a public hearing to consider Digital Enterprise Network Segment 2 - Arterial Conduit Deployment, 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 January 8, 2021 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated one correspondence was received today, copies of which have been placed on the dais.

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

It was moved by Hardman, second by Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to TD&I Cable Maintenance, Inc.

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

Vote 21-028: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

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On Item 6(k) Mayor Gaer indicated this was the time and place for a public hearing to consider Gas Detection and Bay Heat System Upgrades - Various Facilities, 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 January 8, 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 Trevillyan, second by Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Reject All Bids.

Vote 21-029: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Covenant Cove Plat 2, 9637 Heightsview Drive - Replat 22 Lots into 21 Lots and Approve a Site Plan to Allow Construction of Ranch Townhomes, initiated by Covenant Cove, LLC.

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

Council member Hudson expressed enthusiastic support for this development project.

Vote 21-030: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

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

On Item 9(a) Legislative Updates

Jamie Letzring, Deputy City Manager, reported the beginning of this legislative session has been active, as 130 bills have been filed in the Senate and 170 bills filed in the House. She noted staff is closely monitoring HSB 34 regarding enforcement of massage therapy and cosmetology.

Council member McKinney noted the MidAmerican Energy RecPlex opening date in the Hy-Vee naming rights agreement, which was amended tonight, is being pushed back to August 2021, and he inquired if that is now the anticipated opening date.

City Attorney Dick Scieszinski responded the original agreement had an opening date of January 2021, but the project's delays forced them to amend the agreement to extend that date. They

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agreed upon a conservative estimate for an opening date of August, although staff anticipates it should be open much sooner than that.

The meeting was adjourned at 6:31 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor