

February 1, 2021

West Des Moines City Council Proceedings
Monday, February 1, 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, February 1, 2021 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, M. McKinney, K. Trevillyan and R. Trimble.

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

Vote 21-031: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 2. Public Forum:

Matthew Fuller, 6630 Cody Drive, spoke in opposition to the Conduit Network License Agreement signed in July 2020 with Google Fiber, citing concerns about the City's obligation to invest approximately \$40 million into building the conduit infrastructure while still in the midst of the COVID-19 pandemic and an economic downturn.

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

Council member Trimble reported he attended meetings of the Finance and Administration Subcommittee, where they heard presentations from the applicants for hotel/motel tax funding and discussed extending the development agreement job addition and/or retention requirements. The subcommittee also discussed hiring a fundraiser for the Raccoon River pedestrian bridge project and revisions to the schedule of fees and charges for Parks and Recreation.

Council member Hardman reported she met with the Mayor's Pledge Task Force, where discussion was held on the policies and procedures of the Police Department. She also reported Black History Month begins today, and she recognized the accomplishments of the black trailblazers that paved the way for her to hold an elected office on the City Council, including Robert Parks, who was the first black City Council member for West Des Moines. She encourages all citizens to recognize the purpose of Black History Month and to engage in conversations with people from different backgrounds.

Mayor Gaer expressed appreciation to Council member Hardman for her leadership and the perspective she offers as a member of the City Council.

On Item 4. Consent Agenda.

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Council members pulled Items 4(h)1 and 4(h)4 for discussion. It was moved by Trimble, second by Trevillyan to approve the consent agenda as amended.

- a. Approval of Minutes of January 19, 2021 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Firecreek Grill, LLC d/b/a Fire Creek Grill, 800 South 50th Street, Suite 110 – Class LC Liquor License with Carryout Wine and Outdoor Service - Renewal
 - 2. WRLP West Des Moines, LLC d/b/a Hampton Inn, 7060 Lake Drive - Class BW Permit with Sunday Sales and Living Quarters - Renewal
 - 3. Great Plain’s Lodging VI, LLC, d/b/a Hilton Garden Inn West Des Moines, 205 South 64th Street - Class LB Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 - 4. Hy-Vee, Inc., d/b/a Hy-Vee Food & Drugstore #3, 1725 Jordan Creek Parkway – Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales – Renewal
 - 5. Boggs Properties, LLC d/b/a Sully’s Irish Pub, 860 1st Street - Class LC Liquor License Extension of Outdoor Service - March 17-18, 2021
 - 6. Punyesh, LLC d/b/a Vine Food & Liquor, 2704 Vine Street - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
 - 7. Paper Street Watering Company, LLC d/b/a The Winchester Pub, 224 5th Street – Class LC Liquor License with Sunday Sales - Renewal
- d. Approval of Professional Services Agreement - Playground Equipment Replacement - Peony Park, Scenic Valley Park, and Willow Springs Park
- e. Approval of Change Orders:
 - 1. Valley Junction Business District Pavers and Sidewalk, Phase 1, #6
 - 2. MidAmerican Energy RecPlex, General Construction, #12
- f. Approval of Interfund Transfers
- g. Approval and/or Ratification of Specific Fees and Charges - Parks and Recreation Department
- h. Order Construction:
 - 2 2021 PCC Patching and Medians Program
 - 3. 2021 PCC Reconstruction Program
- i. Accept Work:
 - 1. 2019 Channel Repair Program
 - 2. 2019 PCC Patching and Medians Program
 - 3. 2019 Sewer Cleaning and Televising Program
 - 4. 2019 Sewer Rehabilitation Program
 - 5. 2019 Stormwater Intake Repair Program
 - 6. 39th Street and EP True Parkway HAWK Beacon
 - 7. Middle Creek Trunk Sewer Extension
 - 8. Raccoon River Bank Stabilization Near South Grand Prairie Parkway
 - 9. Valley Junction Business District Pavers and Sidewalk, Phase 1

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- j. Approval of RISE Grant Application - Booneville Road Construction (Ginger West)
- k. Establish Consultation Meeting and Public Hearing - Ponderosa Urban Renewal Area
- l. Approval of Bridge Design Agreement with Iowa Interstate Railroad - Johnson Creek Conveyance Improvements, Phase 1A
- m. Approval and Acceptance of Storm Water Management Facility Maintenance Agreement - Brookview Elementary, 8000 EP True Parkway
- n. Authorize Submission of Iowa Reinvestment District Preapplication to the Iowa Economic Development Authority - University Avenue Corridor Area
- o. Approval and Acceptance of Offer to Purchase and Agreement - Raccoon River Greenway Land Acquisition Project

Vote 21-032: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

Mayor Gaer noted a letter was received earlier today from Mediacom objecting to Items 4(h)1 and 6(c).

On Item 4(h)1 Order Construction - Digital Enterprise Last Mile Conduit Deployment Segment 2, Phase 2

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(h)1 Order Construction - Digital Enterprise Last Mile Conduit Deployment Segment 2, Phase 2.

Vote 21-033: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(h)4 Order Construction - Ginger West Tree Clearing - South Grand Prairie Parkway, Booneville Road, Grand Avenue, and Johnson Creek

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(h)4 Order Construction - Ginger West Tree Clearing - South Grand Prairie Parkway, Booneville Road, Grand Avenue, and Johnson Creek.

Vote 21-034: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest
Motion carried.

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On Item 5(a) Vacation of a Portion of Fuller Road and Termination of a Portion of Public Roadway Easement, initiated by the City of West Des Moines

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

Vote 21-035: 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 21-036: 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 21-037: 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 Agreement for Private Development (Upper Story Housing Program) - 304 5th Street, initiated by Junction Development Catalyst, LLC (Continued from January 19, 2021). 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.

Suku Radia, resident of West Des Moines, spoke in support of the proposed development agreement. He stated he has known developer Scott Cutler for many years, and he is a wonderful young man. He also stated he is pleased that this project will help address affordable housing, and he requested that the Council vote in support of the proposed agreement.

Scott Cutler, 304 5th Street, stated he works to ensure all the development projects he does add value to the Valley Junction neighborhood. He reported this proposed project will add 11 upper story housing units to the area, and he requested that the Council vote in support of the proposed agreement.

Rena Johanningmeier, 612 Walnut Street, spoke in opposition to the proposed development, citing concerns about a potential shortage of parking in the Valley Junction Business District. She also expressed concerns that she believes many of the units will be studio apartments, which

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would not be conducive for families with children. She noted there are houses in the Valley Junction neighborhood at the point of disrepair, so she is requesting that the City concentrate more of its efforts on fixing those existing properties.

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

Mr. Cutler clarified that this proposed development would include ten one-bedroom units and one studio. He noted the market demand for this area is for one-bedroom units. He also stated his development would be compliant with City Code requirements for parking, and he believes the adjacent city-owned parking lot should provide sufficient parking to meet the needs of this new development.

Lynne Twedt, Development Services Director, reported staff is aware of the parking issues in the Valley Junction Business District and has intentions to look into them as part of the Valley Junction revisioning project.

Council member Trimble requested that staff look into amending the overnight parking policy for the city-owned parking lots in Valley Junction.

City Manager Tom Hadden suggested the city may have to consider hiring a consultant to address the parking issues in Valley Junction.

Council member Trimble spoke in support of this proposed development, as he believes it will help address affordable housing needs in West Des Moines. He also stated he believes the upper story housing program, which was established with the intention of addressing affordable housing, has been successful.

Council member Trevillyan spoke in opposition to the proposed development, citing concerns that Mr. Cutler simply relocated his plan for an upper story housing project at the intersection of 4th Street and Railroad Avenue, which ran into opposition on the rezoning, to this new location at 304 5th Street, which has no requirements for parking. He believes the Valley Junction Business District is getting overloaded with housing and no additional parking, which could cause the businesses to suffer. He suggested the remaining funds from the Woodland Hills Tax Increment Financing District be used for single family affordable housing, which he believes are a better option than additional apartment units.

Council member Trimble noted the Council voted two weeks ago to allocate a historic amount of money towards the Owner-Occupied Rehabilitation program, and he believes the City is doing a great job addressing that need.

Council member McKinney spoke in support of this proposed development. He stated he has communicated with a number of Valley Junction business owners and stakeholders, and the

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feedback he received was supportive of the proposed development at 304 5th Street and did not include any concerns about parking.

Council member Hardman spoke in support of this proposed development, as it will provide an option for people seeking affordable housing in a vibrant area of West Des Moines and help move the needle on the greater affordable housing issue.

Council member Hudson spoke in support of this proposed development, as he believes the City needs to try to help address affordable housing where it can, and he believes these apartment units will be high quality.

Ms. Johannigmeier inquired how the basis of affordability is defined.

Christine Gordan, Housing Planner, responded affordable units must be rented to people that have been verified to meet the income threshold of 80 percent or lower of the median income for the entire Des Moines-West Des Moines statistical area, and there are also rent limits established by the Iowa Finance Authority for tax credit properties.

It was moved by Trimble, second by Hudson to adopt Resolution - Approval of Agreement.

Vote 21-038: Hardman, Hudson, McKinney, Trimble ... 4 yes
Trevillyan ... 1 no

Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Grand Avenue Reconstruction, 1st Street to 6th 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 22, 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 Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract Subject to Concurrence by the Iowa Department of Transportation to Corell Contractor, Inc.

Vote 21-039: 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 Des Moines Digital Enterprise Conduit Deployment Segment 3, Phase 1, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk

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indicated the notice was published on January 22, 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 Hudson 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 21-040: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

On Item 7(a) Wells Fargo Ground Mount Solar, 800 South Jordan Creek Parkway - Approval of Installation of a Ground Mounted Solar Energy System, initiated by Wells Fargo Bank N.A.

It was moved by Trimble, second by Hardman 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.

The Mayor and City Council spoke in support of this project and the City's policies allowing for solar energy systems.

Vote 21-041: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Subway and Dairy Queen, 308 and 340 Grand Avenue - Site Modifications Due to Grand Avenue Widening Project, initiated by Real Estate Holdings II, LLC

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

Vote 21-042: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Charlie's Filling Station, 305 Grand Avenue - Modification of the Site Due to Grand Avenue Widening Project, initiated by Fareway Stores, Inc.

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

Vote 21-043: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(d) Plat of Survey Parcels 2020-223 and 2020-224 - Subdivide Lot 6 (5760 Red Bud Way) into Two Portions for Incorporation into Lot 5 (5730 Red Bud Way) and Lot 7 (5775 Red Bud Way), initiated by Greenspon Property Management, Inc.

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

Vote 21-044: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 8(a) Comprehensive Annual Financial Report - 2019-20 FY - Received and Filed

On Item 9(a) Legislative Updates

Jamie Letzring, Deputy City Manager, reported the City has registered as opposed to SSB 1079, which would prohibit cities from adopting an ordinance that would prohibit landlords from refusing to accept federal housing vouchers. She also reported the City is still registered undecided on HSB 54, which relates to Chapter 411 benefits, and staff is continuing to research this bill as it moves through the process.

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

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor