

April 5, 2021

West Des Moines City Council Proceedings
Monday, April 5, 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 5, 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.

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

Vote 21-112: 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 he attended a meeting of the Development and Planning Subcommittee, where discussion was held on ordinance changes necessary to allow a drive-in movie theater, and he noted the City will resume rental inspections, which had been suspended due to the COVID-19 pandemic.

Council member Trimble reported he attended a meeting of the Polk County Homeless Coordinating Council, where discussion was held on the possibility of expanding the membership of that council to include additional communities.

Council member Hudson reported he participated in a ride-along with Police Officer Grove, and he expressed appreciation to the police department for the opportunity to learn about their operations and for their efforts in keeping our community safe.

Council member Hardman reported she attended the retirement celebrations for retiring employees Assistant Police Chief Travis Ouverson and City Manager's Office Executive Assistant Kristy Henning. She also expressed appreciation to Public Services Director Bret Hodne for a recent tour of the new West Public Services Facility. She also noted the Black and Brown Business Summit, hosted by the West Des Moines Chamber of Commerce, will be held April 22-23.

City Manager Tom Hadden reported the Iowa Legislature's second funnel has passed, but there are a number of proposed bills of interest to the city that are still active, and staff will continue to monitor them.

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Council member Trimble expressed appreciation to retiring employees Assistant Police Chief Travis Ouverson and City Manager's Office Executive Assistant Kristy Henning. He also noted the West Des Moines Chamber of Commerce events committee recently held a successful "Find Riley the Raccoon" event and is currently developing plans for more upcoming community events

On Item 4. Consent Agenda.

Mayor Gaer stated a letter was received earlier today from Mediacom objecting to Items 4(h)1, 4(k)1, 6(f), and 6(g).

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

- a. Approval of Minutes of March 15, 2021 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Blazin Wings, Inc. d/b/a Buffalo Wild Wings Grill & Bar, 6925 Mills Civic Parkway, Suite #115 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
 - 2. T&K Ventures, LLC d/b/a Early Bird, 9250 University Avenue, Suite 107 - Class LC Liquor License with Sunday Sales and Outdoor Service - New
 - 3. Ironside Axe Club, LLC d/b/a Ironside Axe Club, 2700 University Avenue, Suite 100 - Class BW Permit with Sunday Sales and Outdoor Service - New
 - 4. Hy-Vee, Inc. d/b/a The Ron Pearson Center, 5820 Westown Parkway - Class LC Liquor License with Carryout Wine, Sunday Sales, and Catering Privileges - Renewal
 - 5. Plunkett Enterprises S&S d/b/a Scissors and Scotch, 440 South 68th Street, #105 - Class LC Liquor License with Sunday Sales - Renewal
 - 6. Carson Advertising, Inc. d/b/a Vista Pub, 7205 Vista Drive, #116 - Class LC License with Sunday Sales and Outdoor Service - Renewal
- d. Approval of Special Event Lane Closures - Miscellaneous Events - Historic Valley Junction Foundation
- e. Approval of Enterprise Agreement and Payment - ESRI
- f. Approval of Cost-Share Grant Contract - Crossroads Park Water Quality Improvements
- g. Approval of Professional Services Agreements:
 - 1. Jordan Cemetery Survey Services
 - 2. Woodland Hills Greenway Trail and Bank Stabilization
- h. Approval of Amendments to Professional Services Agreements:
 - 2. Parks Maintenance Facility Demolition - Environmental Services
- i. Approval of Change Order #16 - MidAmerican Energy RecPlex, General Construction
- j. Approval of Agreement with RJB, LLC Regarding Construction of 88th Street Reconstruction, Ashworth Road to Abram Drive

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- k. Order Construction:
 - 2. Fiber Optic Interconnect - Orange Route, Phase 1
 - 3. 88th Street Reconstruction, Ashworth Road to Abram Drive
 - 4. 2020 Asphalt Trail Renovation
- l. Award Contract - MidAmerican Energy RecPlex - Common Space, Mezzanine and Esports Center Furniture
- m. Accept Work:
 - 1. Fiber Optic Interconnect - Light Purple Route
 - 2. Grand Avenue and Scenic Valley Drive Traffic Signal
 - 3. Public Safety Station #21 Generator Replacement
- n. Establish Consultation Meeting and Public Hearing - Amendment #3 to the Historic West Des Moines Urban Renewal Area
- o. Approval and Acceptance of Property Interests:
 - 1. 88th Street Reconstruction, Ashworth Road to Abram Drive
 - 2. High Street Storm Sewer Improvements
- p. Approval of Partial Assignment of Development Agreement - JGC Holdings, LLC
- q. Approval of Extended Sound Permit - Glen Oaks Country Club, 1401 Glen Oaks Drive

Vote 21-113: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(h)1 Approval of Amendment to Professional Services Agreement - West Des Moines Digital Enterprise Design

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

It was moved by Hudson, second by Trimble to approve Item 4(h)1 Approval of Amendment to Professional Services Agreement - West Des Moines Digital Enterprise Design.

Vote 21-114: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(k)1 Order Construction - Digital Enterprise 2021 Multi-Family and Non-Residential Drops, Phase 1

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

It was moved by Hudson, second by Trimble to approve Item 4(k)1 Order Construction - Digital Enterprise 2021 Multi-Family and Non-Residential Drops, Phase 1.

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Vote 21-115: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

On Item 5(a) West Grand Business Park-Des Moines University, 8025 Grand Avenue - Amend the Planned Unit Development (PUD) Parcel 8 to Establish Regulations for Development of a College Campus, initiated by Des Moines University Osteopathic Medical Center

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

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

Vote 21-116: Hudson, McKinney, Trevillyan, Trimble ... 4 yes
Hardman ... 1 abstain due to potential conflict of interest

Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 21-117: Hudson, McKinney, Trevillyan, Trimble ... 4 yes
Hardman ... 1 abstain due to potential conflict of interest

Motion carried.

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

Vote 21-118: Hudson, McKinney, Trevillyan, Trimble ... 4 yes
Hardman ... 1 abstain due to potential conflict of interest

Motion carried.

On Item 5(b) Vacation Request, 1800 Industrial Circle - Vacate a Portion of a Former Cul-de-Sac Right of Way, initiated by i2 Tech, LLC

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

Vote 21-119: 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.

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Vote 21-120: 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 21-121: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 9 (Zoning), Chapter 14 (Accessory Structures) and Chapter 19 (Landscaping) - Modify Regulations Pertaining to Fences and Walls, initiated by the City of West Des Moines

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

Vote 21-122: 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 Hardman to approve the second reading of the ordinance.

Vote 21-123: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 21-124: 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 Microsoft DSM 40, 11100 Booneville Road - Amend the Comprehensive Plan Land Use Map and Zoning Map to Establish Light Industrial Land Use and Zoning, initiated by Microsoft Corporation. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 16, 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 one member absent, the Plan and Zoning Commission recommended City Council approval of the comprehensive plan amendment and rezoning request.

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 adopt Resolution - Approval of Comprehensive Plan Amendment.

Vote 21-125: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 21-126: 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 Hardman to approve the first reading of the ordinance.

Vote 21-127: 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 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. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 16, 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 one member absent, the Plan and Zoning Commission recommended City Council approval of the specific plan amendment.

Mayor Gaer asked if there were any public comments.

Andrew Ventling, property owner of 590 Market Street, inquired how the proposed changes would affect the use of on-street parking in the area.

Lynne Twedt, Development Services Director, explained that in a collective parking arrangement, the entire development needs to offer a sufficient number of parking spots for all the uses within the development, but the parking spots are not assigned to the individual uses, as they are available on a first-come-first-serve basis. She noted the Village of Ponderosa has plenty of parking for the uses within the development.

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.

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Council member Trimble expressed concerns that this isn't the first instance of a developer designing and/or constructing a building in violation of the ordinance restrictions for items like building heights or setbacks and then requesting the City Council approve an amendment to correct the infraction. He inquired if the City could impose a fine to penalize future developers that make the same mistake.

Ms. Twedt responded that many developers would likely be willing to pay the fine in order to circumvent the ordinance restrictions and noted that in this case denial of the amendment would be the Council's path of enforcement. She explained that this building was inadvertently designed at a height that is several feet taller than the maximum height allowed in the PUD, so they are now requesting the amendment to allow the building to be constructed at the height designed, so they can avoid redesigning the building. She noted she does not believe this was done intentionally.

Vote 21-128: Hardman, Hudson, McKinney, Trimble ... 4 yes
Trevillyan ... 1 no

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 21-129: Hardman, Hudson, McKinney, Trimble ... 4 yes
Trevillyan ... 1 no

Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment #11 to the Amended and Restated Mills Parkway Urban Renewal Area, 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 March 26, 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 Trimble to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 21-130: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

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

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Vote 21-131: 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 Trimble to approve the first reading of the ordinance.

Vote 21-132: 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 Grand Prairie Parkway Urban Renewal Area - City Initiated, 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 March 26, 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 Urban Renewal Plan.

Vote 21-133: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest
Motion carried.

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

Vote 21-134: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest
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 21-135: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider West Des Moines/Van Meter Annexation Moratorium and Subdivision Review Agreement, initiated by the City of West Des Moines. He asked for the date the notice was published and the

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City Clerk indicated the notice was published on March 30, 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 Trimble to adopt Resolution - Approval of Agreement.

Vote 21-136: 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 Digital Enterprise Last Mile Conduit Deployment Segment 2, Phase 3, 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 March 19, 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 Communication Data Link.

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

Vote 21-137: 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 Digital Enterprise 2021 Single-Family Drop Conduit Installation, 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 March 26, 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.

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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 Excel Utility Contractors, LLC.

Vote 21-138: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider East Public Services Facility - Fueling Facility Updates, 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 March 26, 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 Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Reject All Bids.

Vote 21-139: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(i) 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 March 26, 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 McKinney to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Air-Con Mechanical Corporation.

Vote 21-140: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(j) Mayor Gaer indicated this was the time and place for a public hearing to consider 301 Grand Avenue Demolition, 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 March 26,

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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 Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Earth Services & Abatement, LLC.

Council member Trevillyan is inquiring why this property is being given to Wendy's and not sold to them.

City Attorney Dick Scieszinski responded the arrangement was included in an agreement that was negotiated with Wendy's, and the land is being given to them in exchange for their relocating. He noted Wendy's will pay for the demolition of their existing location.

Vote 21-141: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Des Moines University, 8025 Grand Avenue - Approval of Site Plan to Allow Construction of Four Educational Buildings and the Associated Site Improvements, initiated by Des Moines University Osteopathic Medical Center

It was moved by McKinney, second by Hudson 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.

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

Vote 21-142: Hudson, McKinney, Trevillyan, Trimble ... 4 yes
Hardman ... 1 abstain due to potential conflict of interest
Motion carried.

On Item 7(b) McCarty Plat of Survey, 5691 Flagstone Way - Approval of Plat of Survey "2021-29" to Create a Parcel for Transfer of Ownership, initiated by Dennis and Paula McCarty.

It was moved by Hudson, second by Trimble 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.

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Vote 21-143: 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: no report

On Item 9(b) Update on Valley Junction

Mayor Gaer stated the Council will hold a workshop for Monday, May 3rd to discuss renovations and construction projects in the Valley Junction Business District. He suggested that, in the meantime, the City impose a moratorium on any further changes to buildings within the study-identified area of significant historic contributing buildings until the May 3rd workshop. He noted there are three projects underway in that area (the Scott Cutler project at 304 5th Street, the Ryan Wiederstein project at 315 5th Street, and the First National Bank project at 301 5th Street), and he believes they should be excluded from the moratorium and allowed to proceed.

Council member Trevillyan suggested the moratorium should apply to the entire area from Railroad Avenue to Vine Street and 4th Street to 6th Street, as he believes there are historically-significant buildings outside the boundaries identified by the study. He also stated he believes the moratorium should apply to any project that has not yet obtained a building permit. He suggested the City should implement restrictions on future development in this area to ensure the building materials and architectural style are consistent with the historical nature of the existing buildings.

Mayor Gaer inquired if there would be any legal concerns with applying the moratorium to the three projects already in process, as they have already spent considerable amounts of money on the design of their projects.

City Attorney Scieszinski responded it would be a matter of equity and treating the developers fairly. He stated if a building permit has already been issued then the developer would have a vested right to continue with the development.

The Mayor and Council held discussion on the the appropriate parameters for the moratorium.

Renae Johanningmeier, 612 Walnut Street, spoke in support of a moratorium across the board. She expressed concerns about the new development projects in the Valley Junction Business District, and she is frustrated because she feels the concerns of the Valley Junction community regarding the preservation of the district's historic buildings have been disregarded. She also expressed concerns that the City's upper story housing program is incentivizing developers to demolish existing historic buildings and construct new buildings in their place.

Nick Waage, 136 3rd Street, spoke in support of a moratorium, and he suggested the City establish a committee of residents, business owners, and city staff, with the intention of

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developing a clear vision and goals for what they want the Valley Junction Business District to be.

Sarah Kehlenbeck, 602 5th Street, noted a developer has recently purchased two residential properties in the 300 block of 4th Street, and she is concerned about the possibility of those properties being demolished. She also expressed opposition to the recently developed residential project at 329 5th Street, and she expressed concerns about the possibility of existing homes being demolished for the future construction of a parking structure.

Dave Cooper, 601 Hillside Avenue, expressed opposition to the recently developed residential project at 329 5th Street, as he believes the style is incompatible with the historic nature of the rest of the Valley Junction Business District.

Blaine Hormann, 600 6th Street, expressed support for the upcoming workshop providing an opportunity for the public to provide input on the subject. He stated he believes there is sufficient parking in the Valley Junction Business District, and he expressed opposition to the possible construction of a parking structure.

Jennifer Hampton, 541 16th Street, expressed opposition to the recently developed residential project at 329 5th Street, as she believes the style is incompatible with the historic nature of the rest of the Valley Junction Business District.

Jonas Cutler, 204 Holiday Circle, spoke in support of a moratorium, specifically the broader option suggested by Council member Trevillyan with the status of a building permit differentiating which projects could proceed and which projects would be subject to the moratorium.

Mayor Gaer inquired about the Council's authority to impose a moratorium tonight.

Mr. Scieszinski responded the Council could impose a temporary moratorium tonight, and then staff could develop a Resolution to formalize it, which would be brought forward at the next scheduled council meeting.

Council member Trimble stated he supports the moratorium with either of the two suggested boundaries, but he believes the three projects already underway should be allowed to proceed.

Lynne Twedt, Development Services Director, reported that the Ryan Wiederstein project at 315 5th Street is the only one of those three that has obtained a building permit. The other two pending projects (the Scott Cutler project at 304 5th Street and the First National Bank project at 301 5th Street) have not yet been through the Plan and Zoning Commission and City Council.

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Mayor Gaer noted the City has already approved a development agreement for the Scott Cutler project at 304 5th Street, so he believes that should imply the development has been approved and is able to proceed.

Council member Trevillyan reiterated his suggestion that the moratorium should apply to the entire area from Railroad Avenue to Vine Street and 4th Street to 6th Street in order to encompass all potential historic buildings, and he also suggested that the status of a building permit should be the differentiating factor between which projects could proceed and which projects would be subject to the moratorium.

Council member McKinney expressed support for the moratorium as suggested by Council member Trevillyan; however, he expressed concerns that a broad moratorium would take away property owners' rights within that area, so he would like to clearly define what type of updates would be subject to the moratorium.

The Mayor and Council held further discussion on the the appropriate parameters for the moratorium.

Brenda Clausman, 136 3rd Street, expressed concerns about 304 5th Street not being included within the boudnaries identified by the study as historically-significant buildings, because she believes the home does have historical significance. She also expressed concerns that the proposed development for 304 5th Street was originally proposed for 4th Street and Railroad Avenue but was relocated.

Mayor Gaer stated the suggestion made by Council member Trevillyan was a moratorium for the area from Railroad Avenue to Vine Street and 4th Street to 6th Street with the status of a building permit being the differentiating factor between which projects could proceed and which projects would be subject to the moratorium. He inquired if there is a consensus among the rest of the Council in support of this proposal.

Council member McKinney expressed support for the moratorium as suggested by Council member Trevillyan.

Council member Trimble stated he would support a moratorium for 5th Street only, and he also believes the three projects underway (the Scott Cutler project at 304 5th Street, the Ryan Wiederstein project at 315 5th Street, and the First National Bank project at 301 5th Street) should be excluded from the moratorium and allowed to proceed. He noted he would potentially be open to expanding the moratorium to the broader area suggested by Council member Trevillyan after the May 3rd workshop.

Council member Hudson expressed support for a moratorium for the area suggested by Council member Trevillyan, however he would prefer the status of an executed development agreement

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being the differentiating factor between which projects could proceed and which projects would be subject to the moratorium.

Council member Hardman expressed support for Council member Hudson's suggestion.

The Mayor and Council held further discussion on the the appropriate parameters for the moratorium and expressed support for a moratorium for the area from Railroad Avenue to Vine Street and 4th Street to 6th Street with the status of an executed development agreement being the differentiating factor between which projects could proceed and which projects would be subject to the moratorium. They also indicated the moratorium would only apply to exterior modifications and demolitions.

Clyde Evans, Community and Economic Development Director, noted none of the three projects underway (the Scott Cutler project at 304 5th Street, the Ryan Wiederstein project at 315 5th Street, and the First National Bank project at 301 5th Street) have executed development agreements yet, as the Council needs to first approve an amendment to the Historic West Des Moines Urban Renewal Plan. However, he also noted there have been upper story housing agreements approved, which would apply to the upper story housing portion of those projects only.

The Mayor and Council held further discussion on the appropriate method for differentiating which projects within the moratorium area could proceed and which projects would be subject to the moratorium.

The Council members reached a consensus in support of the three projects underway being allowed to continue through the planning approval process, but the moratorium would prohibit any demolition or exterior modifications to properties within the boundaries of Railroad Avenue to Vine Street and 4th Street to 6th Street, unless a building permit has already been obtained.

The meeting was adjourned at 7:30 p.m.

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

Council member McKinney indicated he will recuse himself from the first portion of the Executive Session due to a potential conflict of interest.

Vote 21-144: Hardman, Hudson, Trevillyan, Trimble...4 yes
Motion carried.

Entered Executive Session at 7:37 p.m. with the following persons present in the Council Chambers of City Hall: Mayor Gaer, Council members Hardman, Hudson, and Trimble, with Council member Trevillyan participating via teleconference; City Manager, Deputy City

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Manager, City Attorney, City Clerk, and retained legal counsel Nathan Overberg, Eric Boehlert, and Maria Brownell.

Council member Trevillyan ceased his participation in the executive session at 8:11 p.m.

Deputy City Manager and retained legal counsel Nathan Overberg, Eric Boehlert, and Maria Brownell left the executive session at 8:26 p.m.

Council member McKinney and retained legal counsel Michelle Brott joined the executive session at 8:26 p.m.

Mayor Gaer left the executive session at 8:32 p.m.

City Manager, City Attorney, City Clerk, and retained legal counsel Michelle Brott left the executive session at 8:42 p.m.

City Clerk returned to the executive session at 8:58 p.m.

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

Vote 21-145: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

Executive Session was adjourned at 8:59 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor