

May 3, 2021

West Des Moines City Council Proceedings
Monday, May 3, 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, May 3, 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 21-176: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

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

Anthony Holm, 601 51st Street, expressed concerns that the city is not very walkable, and he suggested the City consider more mixed-use zoning.

Jonathan Weaver, 216 25th Street, expressed concerns regarding the financing for the Digital Enterprise Conduit Deployment project and the Conduit Network License Agreement with Google Fiber.

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

Katherine Harrington, President/CEO of the West Des Moines Chamber of Commerce, provided an update on the organization's activities over the past year.

Council member McKinney reported he attended a meeting of the Bravo Greater Des Moines Board, where discussion was held on budgetary concerns amidst the effects of the COVID-19 pandemic and possible cost-saving efficiencies to address those concerns. He also attended a meeting of the Development and Planning Subcommittee, where discussion was held on a proposed development project at the intersection of Ashworth Road and Jordan Creek Parkway.

Council member Hudson reported he attended a meeting of the Greater Des Moines Convention and Visitors Bureau, where discussion was held on the recovery of the Des Moines metro's tourism industry as we come out of the COVID-19 pandemic.

Council member Trimble reported the Finance and Administration Subcommittee met and discussed utilizing Community Development Block Grant (CDBG) funds to promote a broadband benefit program for low-income residents.

May 3, 2021

Council member Hardman reported she attended a meeting of the Library Board of Trustees, and the West Des Moines Public Library has now reopened following the completion of its renovations project. She also reported she attended a tour of the recently opened senior housing facility, Grand Living at Tower Place, which she believes is a great addition to our community.

City Manager Tom Hadden reported the Police Department recently hosted representatives from the Commission on Accreditation for Law Enforcement Agencies as part of its recertification process, and the Fire Department recently hosted representatives from the Commission on Fire Accreditation. He stated these processes are beneficial for the departments, and they should receive notification regarding their reaccreditation within the coming weeks.

Mayor Gaer stated a letter was received earlier today from Mediacom objecting to Items 4(m)1, 4(m)2, 4(o)1, 4(y), and 6(i)

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of April 19, 2021 and April 26, 2021 Meetings
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. Tasting Station Restaurant Group, LLC d/b/a BeerStyles Gastropub & Taproom/SALT of the Hearth, 5513 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
 2. Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, 1551 Valley West Drive, Suite #224 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
 3. Bonsai Food Management, LLC d/b/a Dino's Bar & Grill, 5962 Ashworth Road – Class LC Liquor License with Sunday Sales - Renewal
 4. El Fogon del Chivo, LLC d/b/a El Fogon, 1250 8th Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 5. Foundry Distilling Company, LLC d/b/a Foundry Distilling Company, 111 South 11th Street, Suite 100 - Class C Native Distilled Spirits License with Sunday Sales and Outdoor Service - Renewal
 6. Migliero Real Estate d/b/a G. Mig's 5th Street Pub, 128 5th Street - Addition of Outdoor Service Privileges to Existing Class LC Liquor License - New
 7. Hy-Vee, Inc. d/b/a Hy-Vee Market Cafe, 1700 Valley West Drive (Cafe Area) – Class LC Liquor License with Sunday Sales - Renewal
 8. City of West Des Moines d/b/a MidAmerican Energy RecPlex, 6500 Grand Avenue - Class BW Permit with Sunday Sales and Outdoor Service - New
 9. GMRI, Inc. d/b/a The Olive Garden Italian Restaurant #1146, 3600 Westown Parkway - Class LC Liquor License with Sunday Sales - Renewal

10. The Operating Room, LLC d/b/a The Operating Room, 5515 Mills Civic Parkway, Suites 130 and 135 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
- d. Approval of Special Event Lane Closures:
 1. Mustang Club of Central Iowa Car Show, June 6, 2021
 2. Henry Gregor Felsen Tribute Car Show, September 19, 2021
- e. Approval of Parking on School Property Grass - Valley High School Commencement Ceremony, May 30, 2021
- f. Approval of Appointments:
 1. Bicycle Advisory Commission
 2. Sister Cities Commission
- g. Approval of Renewal Contract Agreement - Portland Cement Concrete for Improved Street Maintenance
- h. Approval of Artist Agreements - 2021 "WDMurals" Exhibit
- i. Approval of Amendments to Professional Services Agreements:
 1. 2021 Court Improvements
 2. Holiday Park Youth Baseball Fields, Parking Lot and Entry Improvements, Phases 6 and 7
- j. Approval of Professional Services Agreement - Fox Creek Trail Survey and Design
- k. Approval to Purchase Concession Food Service Equipment - MidAmerican Energy RecPlex
- l. Approval of Cooperative Agreement for Primary Road Project with Iowa Department of Transportation - Blue Creek Stormwater Detention Facilities
- m. Approval of Change Orders:
 3. MidAmerican Energy RecPlex, General Construction, #18
- n. Approval of Interfund Transfers
- o. Order Construction:
 2. 2021 Street Repair Retainer Contract
- p. Accept Work:
 1. Jamie Hurd Amphitheater
 2. Veterans Parkway Enhancements, Phase 1 - Gateway and Median Features
 3. West Public Services Facility - Building and Site Improvements (Phase 2)
- q. Approval of Professional Services Agreements:
 1. Blue Creek Stormwater Detention Facilities
 2. Grand Avenue West Segment 4 Sewer Extension
- r. Accept Public Improvements - Dawsons Ridge
- s. Approval of Natural Gas Facilities Construction and Reimbursement Agreement with MidAmerican Energy Company - Utility Service to Future Southwest Public Safety Station
- t. Approval and Acceptance of Amended and Restated Storm Sewer Easement - Della Vita, 8975 Linda's Lane
- u. Approval and Acceptance of First Amendment to Storm Water Management Facility Maintenance Agreement - The Preserve Estates Plat 1

May 3, 2021

- v. Approval of Amendments to Development Agreements:
 - 1. JGC Holdings, LLC - 1249 and 1261 8th Street (Phase 1)
 - 2. JGC Holdings, LLC - 1249 and 1261 8th Street (Phase 2)
- w. Acceptance of Conveyance of Property Interest from Triple J Logistics, LLC
- x. Approval and Acceptance of Property Interests - 88th Street Reconstruction, Ashworth Road to Abram Drive

Vote 21-177: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(m)1 Change Order #1 - Digital Enterprise Last Mile Conduit Deployment Segment 2, Phase 2, 4(m)2 Change Order #1 - Digital Enterprise Network Segment 2 Arterial Conduit Deployment, and 4(o)1 Order Construction - Digital Enterprise Conduit Deployment Segment 3, Phase 3

Council member Trimble reiterated his previous request that staff ensures that the contractors do a really good restoration job after the conduit installation.

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 Item 4(m)1, 4(m)2, and 4(o)1.

Vote 21-178: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(y) Approval of Cost-Sharing Fiber Agreement - CenturyLink Communications, LLC

Council member Trevillyan requested clarification on the purpose of this agreement.

Brian Hemesath, City Engineer, explained that CenturyLink had shared with City staff its intentions to install a conduit line under the Raccoon River and the levee. City staff also had plans to install a similar conduit lane during one of the later phases of the Digital Enterprise Conduit Deployment project. Staff negotiated the proposed cost-sharing agreement with CenturyLink to share the cost of installing the two separate conduit lines. He noted both entities would have installed these conduit segments regardless, but by expediting this phase of the City's Digital Enterprise Conduit Deployment project and sharing the costs with CenturyLink, the City could potentially save approximately \$200,000 from what the project phase would have cost on its own.

It was moved by Hudson, second by Trimble to approve Item 4(y) Approval of Cost-Sharing Fiber Agreement - CenturyLink Communications, LLC.

May 3, 2021

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

Vote 21-179: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest
Motion carried.

On Item 5(a) 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 Hudson, second by Trimble to consider the third reading of the ordinance.

Vote 21-180: Hardman, Hudson, McKinney, Trimble ... 4 yes
Trevillyan ... 1 no
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 21-181: Hardman, Hudson, McKinney, Trimble ... 4 yes
Trevillyan ... 1 no
Motion carried.

It was moved by Hudson, second by Trimble to adopt Resolution - Approval and Acceptance of Documents.

Vote 21-182: Hardman, Hudson, McKinney, Trimble ... 4 yes
Trevillyan ... 1 no
Motion carried.

On Item 5(b) 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

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

Vote 21-183: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

May 3, 2021

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

Vote 21-184: 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 21-185: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(c) 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.

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

Vote 21-186: 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 21-187: 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 21-188: 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 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 (Continued from April 19, 2021). 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 comprehensive plan amendment and rezoning request.

May 3, 2021

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 Comprehensive Plan Amendment.

Vote 21-189: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 21-190: 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 Hardman to approve the first reading of the ordinance.

Vote 21-191: 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 130 South 9th Street and City-Owned Parcels to the South of Lincoln Street Between the 600 and 900 Block - Amend Comprehensive Plan Land Use Map and Zoning Map to Establish Business Park Land Use and Zoning on a Portion of 130 9th Street and to Establish Open Space Land Use and Zoning on a City-Owned Property South of Lincoln 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 21, 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 comprehensive plan amendment and rezoning request.

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 Comprehensive Plan Amendment.

Vote 21-192: 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.

May 3, 2021

Vote 21-193: 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 21-194: 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 Conveyance of a Portion of Vacated and Excess Industrial Circle Right-of-Way to Triple J Logistics, LLC, 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 29, 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 Conveyance of Property.

Council member Trevillyan is inquiring why this property is being given to Triple J Logistics and not sold to them.

City Attorney Dick Scieszinski responded the parcels are so small that they are unbuildable and therefore have minimal value. He noted the cost of maintenance of the property is equal to the consideration if they take that over.

Vote 21-195: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(d) Amendment to the Raccoon River Basin Sanitary Sewer (Trunk) Connection Fee District, generally consisting of an area west of Interstate 35, south of the Raccoon River, north of 130th Street in Madison County, and east of Tabor Road (Dallas County)/Badger Creek Avenue (Madison County), initiated by the City of West Des Moines

It was moved by Trevillyan, second by Hudson to adopt Motion - Continue Public Hearing to May 17, 2021.

Vote 21-196: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

May 3, 2021

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of Not to Exceed \$91,900,000 General Obligation Urban Renewal Bonds, 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 20, 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 - Instituting Proceedings to Take Additional Action.

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

Vote 21-197: 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 88th Street Reconstruction, Ashworth Road to Abram Drive, 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 23, 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 Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Alliance Construction Group.

Vote 21-198: 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 Fiber Optic Interconnect - Orange Route, 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 April 23, 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.

May 3, 2021

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 TD&I Cable Maintenance.

Vote 21-199: 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 2020 Asphalt Trail Renovation, 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 23, 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Des Moines Asphalt and Paving.

Vote 21-200: 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 Digital Enterprise 2021 Multi-Family and Non-Residential Drops, 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 April 23, 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 Hudson, second by Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to BDC Group, Inc.

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

Vote 21-201: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest
Motion carried.

May 3, 2021

On Item 7(a) Amendment to City Code - Title 2 (Boards and Commissions), Chapter 2 (Board of Adjustment) - Modify Regulations Pertaining to Zoning Exceptions for Accessory Structures in the Front Yard, initiated by the City of West Des Moines

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

Vote 21-202: 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 Hudson to approve the first reading of the ordinance.

Vote 21-203: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 8(a) - Cole Prevost Resignation - Bicycle Advisory Commission - Received and Filed

On Item 9(a) South Grand Prairie Parkway, Stagecoach Drive to Mills Civic Parkway, initiated by the City of West Des Moines

It was moved by Trimble, second by Hudson to adopt Resolution - Award Contract to Concrete Technologies, Inc.

Vote 21-204: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 9(b) Legislative Updates: no report

The meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor