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West Des Moines City Council Proceedings
Monday, May 17, 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 17, 2021 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, M. McKinney, and K. Trevillyan.

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

Vote 21-205: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

Mayor Gaer inquired if any of those in attendance were here regarding Public Hearing Item 6(h) Raccoon River Basin Sanitary Sewer Connection Fee District, which was intended to be continued to the June 7th Council meeting. A majority of the people in attendance indicated they were here regarding Public Hearing Item 6(h). Mayor Gaer then requested that staff provide background information on the item.

Brian Hemesath, City Engineer, explained that this item was initially discussed with the Public Services Subcommittee, and staff was directed to conduct a study on a potential expansion to the existing Raccoon River fee district's boundary and amendment to the fee structure. Staff then initiated the process to bring the proposed amendment to tonight's City Council meeting for consideration.

City Attorney Dick Scieszinski explained that after the notices were mailed to the affected property owners, the Madison County Supervisors were contacted by some of the property owners that objected to the proposed amendment. He spoke with one of the Madison County Supervisors and an attorney representing some of the property owners and discussed with them the intention to continue the public hearing to the June 7th meeting.

The Mayor and Council held discussion and reached a consensus in support of holding the public hearing for Item 6(h) tonight, as scheduled.

Council member McKinney rescinded his motion on the approval of the agenda, and Council member Hudson rescinded his second to that motion.

It was moved by Trevillyan, second by Hardman approve the agenda with an amendment to add the public hearing for Item 6(h) Raccoon River Basin Sanitary Sewer Connection Fee District back to the agenda.

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Vote 21-206: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 2. Public Forum:

Mitchell Callahan, 804 4th Street, spoke in support of the new development occurring in the Valley Junction Business District, stating he is excited about the density of the recent residential projects and also for the infrastructure investments in that area.

Anthony Holm, 601 51st Street, expressed concerns regarding gun safety, and he requested that the City Council consider adopting stricter policies on gun control.

Gary Leffler, 1235 11th Street, expressed concerns that the City executed a conduit network licensing agreement with Google Fiber without going through a public bidding process. He also expressed concerns about the City moving forward with the Digital Enterprise Conduit Deployment project even though there is outstanding litigation regarding the project.

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

Council member Hardman reported she attended the Mayor's Bike Ride on May 15th, and it was a great event. She also attended a meeting of the Public Safety Subcommittee, and she noted Police Chief Chris Scott will be presenting the findings of the Mayor's Task Force at an upcoming council meeting.

City Manager Tom Hadden reported the Iowa Legislature is expected to adjourn their session within the next week or so. He noted there is a pending bill that would eliminate the backfill, which would result in a \$2.4 million annual revenue loss for the City of West Des Moines.

Mayor Gaer stated a letter was received earlier today from Mediacom objecting to Items 4(g)1, 4(l)1, 6(n), and 6(o).

On Item 4. Consent Agenda.

Council members pulled Items 4(g)1, 4(h)2, 4(i)1, 4(j), 4(l)1, and 4(v) for discussion. It was moved by Trevillyan, second by Hudson to approve the consent agenda as amended.

- a. Approval of Minutes of May 3, 2021 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. Biaggi's Ristorante Italiano, LLC d/b/a Biaggi's Ristorante Italiano, 5990 University Avenue - Class LC Liquor License with Carryout Wine, Sunday Sales and Catering Privileges - Renewal

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2. Orilla Chicken Company, Inc. d/b/a The Chicken, 4221 SE Orilla Road - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 3. Wesley Retirement Services, Inc. d/b/a Edgewater, A Wesley Active Life Community, 9225 Cascade Avenue - Class LC Liquor License with Carryout Wine, Sunday Sales, Living Quarters, and Outdoor Services - Renewal
 4. VPC West Des Moines Pizza, LLC d/b/a Giordano's of West Des Moines, 120 Jordan Creek Parkway - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 5. HD on the Go Big Screen, LLC d/b/a HD on the Go Big Screen, 1551 Valley West Drive (South Parking Lot) - Six-Month Class B Beer Permit with Native Wine and Sunday Sales - New
 6. Hy-Vee, Inc., d/b/a Hy-Vee Clubroom, 555 South 51st Street, Clubroom Area - Class BW Permit with Sunday Sales - Renewal
 7. Hy-Vee, Inc. d/b/a Hy-Vee Food Store #1, 1700 Valley West Drive - Class LE Liquor License with Carryout Wine, Carryout Beer and Sunday Sales - Renewal
 8. Kelly Midwest Ventures LP d/b/a Staybridge Suites, 6905 Lake Drive - Class LB Liquor License with Sunday Sales - Renewal
 9. Boggs Properties, LLC d/b/a Sully's Irish Pub, 110 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 10. Walgreen Co. d/b/a Walgreens #6623, 1660 22nd Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 11. Walgreen Co. d/b/a Walgreens #6677, 4900 Mills Civic Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 12. Walgreen Co. d/b/a Walgreens #6678, 1999 Grand Avenue - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 13. Wal-Mart Stores, Inc. d/b/a Wal-Mart Supercenter #3762, 6365 Stagecoach Drive - Class LE Liquor License with Carryout Beer, Carryout Wine and Sunday Sales - Renewal
 14. Whole Foods Market Group, Inc. d/b/a Whole Foods Market, 4100 University Avenue - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
 15. Willow Creek Golf Course, Inc. d/b/a Willow Creek Golf Course, 140 Army Post Road - Class LC Liquor License with Sunday Sales, Living Quarters, and Outdoor Service Privileges - Renewal
- d. Approval of Extended Sound Permit - Nature Lodge Wedding, June 19, 2021
- e. Approval of Special Event Lane Closure - 58th Street Block Party, June 5, 2021
- f. Approval of Contracts - Westcom Computer Aided Dispatch (CAD) System and 911 Emergency Telephone System
- g. Approval of Change Orders:
2. MidAmerican Energy RecPlex, General Construction, #19
 3. Raccoon River Park Exterior Lighting Improvements, #2
- h. Approval of Professional Services Agreements:
1. Police Department Marketing Video

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- i. Approval of Amendments to Professional Services Agreements:
 - 2. Valley View Park Central Site Grading, Utilities, and North Roadway
- k. Approval of Special Assessments - Nuisance Abatements (Sidewalks)
- l. Order Construction:
 - 2. High Street Storm Sewer Improvements
 - 3. South 35th Street and Grand Valley Drive Culverts
 - 4. 88th Street and Ashworth Road Traffic Signal
 - 5. Valley Junction Levee Trail Connection
- m. Accept Work:
 - 1. 2020 PCC Reconstruction Program
 - 2. Raccoon River Basin Segment 5 Sewer - Lift Station and Forcemain
- n. Accept Public Improvements:
 - 1. Des Moines University Sanitary Sewer
 - 2. Willow Creek Rowhomes
- o. Approval of Professional Services Agreement - Upper/Lower 9th Street Drainage Basin Study
- p. Approval of Proposals from MidAmerican Energy Company to Convert Overhead to Underground Electric:
 - 1. Booneville Road, South 100th Street to South 115th Street
 - 2. West Grand Business Park, Booneville Road to Grand Avenue
- q. Approval of Proposal from MidAmerican Energy Company to Extend Underground Electrical Service - Holiday Park Little League Stormwater Pump Station Relocation
- r. Approval to Utilize Community Development Block Grant (CDBG) COVID-19 Grant Funds to Promote Emergency Broadband Benefit Program
- s. Approval of Extensions of Entitlement:
 - 1. Alameda Office Building, 6770 Vista Drive
 - 2. Waterbury Office Building, 7765 Office Plaza Drive North
 - 3. Office at the Galleria, 645 South 60th Street
- t. Approval of Amendments to Conditions of Approval:
 - 1. Microsoft DSM40 Plat of Survey
 - 2. Oaks on Grand Plat of Survey
- u. Approval and Acceptance of Property Interests:
 - 1. High Street Storm Sewer Improvements
 - 2. South Area Trunk Sewer Western Extension
 - 3. West Grand Business Park, Booneville Road to Grand Avenue
- w. Approval of Proclamations:
 - 1. Asian Pacific American Heritage Month, May 2021
 - 2. Public Works Week, May 16-22, 2021

Vote 21-207: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

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On Item 4(g)1 Approval of Change Order #1 - Digital Enterprise Conduit Deployment Segment 5, Phase 2

It was moved by Hudson, second by Trevillyan to approve Item 4(g)1 Approval of Change Order #1 - Digital Enterprise Conduit Deployment Segment 5, Phase 2.

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

Vote 21-208: Hardman, Hudson, Trevillyan ... 3 yes
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

On Item 4(h)2 Approval of Professional Services Agreement - Railroad Park Restrooms

Council member McKinney inquired if this restroom facility would match the style of the Valley Junction Business District.

Sally Ortgies, Parks and Recreation Director, responded staff does intend for it to blend in with the district by using materials that are consistent with the other structures in Railroad Park, and this professional services agreement is with an architect for the project, who staff would discuss those intentions with.

It was moved by McKinney, second by Trevillyan to approve Item 4(h)2 Approval of Professional Services Agreement - Railroad Park Restrooms.

Vote 21-209: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 4(i)1 Approval of Amendment to Professional Services Agreement - Library Interior Renovations

Council member McKinney inquired if the cost of this amendment includes the physical signage to be installed, or if it is only for the consulting related to the building's signage needs.

Brian Hemesath, City Engineer, stated he would need to look into that question and provide an answer to the council at a later time.

It was moved by McKinney, second by Hudson to continue Item 4(i)1 Approval of Amendment to Professional Services Agreement - Library Interior Renovations to June 7, 2021.

Vote 21-210: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

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On Item 4(j) Approval of Parental Leave Policy

Council member Trevillyan stated he is glad to see this policy will apply to all employees upon adoption, but he expressed concerns about the disparity between most positions with six-month probationary periods and public safety positions that have twelve-month probationary periods.

Fire/EMS Chief Craig Leu and Police Chief Chris Scott both explained the rationale for the twelve-month probationary period, stating the first year for their staff includes a significant amount of structured mandatory training, during which any unplanned leave would be an issue.

It was moved by Trevillyan, second by Hudson to approve Item 4(j) Approval of Parental Leave Policy.

Vote 21-211: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

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

It was moved by Hudson, second by Trevillyan to approve Item 4(l)1 Order Construction - Digital Enterprise Conduit Deployment Segment 4, Phase 1.

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

Vote 21-212: Hardman, Hudson, Trevillyan ... 3 yes
McKinney ... 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(v) Approval of Continuation of a Temporary Moratorium on Certain Development Activities in the Historic Valley Junction Business District

Council member Hardman requested clarification on the next steps regarding the formation of a committee.

Lynne Twedt, Development Services Director, responded staff intends to draft a request for qualifications (RFQ) for a consultant and use the existing Historic West Des Moines Master Plan Implementation Committee as the group that would review the RFQ before releasing it. She noted this item will be discussed further during tonight's meeting under Item 9(a).

It was moved by Hardman, second by Hudson to approve Item 4(v) Approval of Continuation of a Temporary Moratorium on Certain Development Activities in the Historic Valley Junction Business District.

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Vote 21-213: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 5(a) South Branch Business Park, southwest corner of SE Army Post Road and SE 42nd Street - Amend the Zoning Map to Designate 12 Acres of General Industrial Land Use and to Establish the South Branch Business Park Planned Unit Development (PUD), initiated by SBBP JV21, LLC

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

Vote 21-214: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 21-215: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

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

Vote 21-216: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 5(b) 130 South 9th Street and City-Owned Parcels to the South of Lincoln Street Between the 600 and 900 Block - Amend 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

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

Vote 21-217: Hardman, Hudson, McKinney, Trevillyan...4 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 21-218: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

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

Vote 21-219: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 5(c) 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 Trevillyan, second by Hudson to consider the second reading of the ordinance.

Vote 21-220: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Hudson to approve the second reading of the ordinance.

Vote 21-221: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

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

Vote 21-222: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 16 (Temporary Use Permits) - Add Parameters for Temporary Drive-In Theatres, 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 May 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 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment.

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 consider the first reading of the ordinance.

Council member Trevillyan inquired about how the visibility of the movie screen form the surrounding streets.

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Lynne Twedt, Development Services Director, responded, due to trees and other items obstructing the view from the street, any glimpse a motorist might see while driving by would be a very short duration, so staff felt comfortable that it would not pose a distraction for motorists.

Vote 21-223: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 21-224: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 3 (General Zoning Provisions) - Modify Regulations Pertaining to the Use of Legal Non-Conforming Buildings or Structures, 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 30, 2021 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment.

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 consider the first reading of the ordinance.

Vote 21-225: Hardman, Hudson, McKinney, Trevillyan...4 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 21-226: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment #3 to the Historic West Des Moines 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 May 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.

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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 Hudson, second by McKinney to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Council member Trevillyan noted two of the projects listed have already benefitted from the upper story housing program. He inquired if this would be above and beyond that money.

Clyde Evans, Director of Community and Economic Development, responded that is correct, as this is a separate program from the upper story housing program.

Vote 21-227: Hardman, Hudson, McKinney ... 3 yes
Trevillyan ... 1 no

Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment #3 to the Fuller Road 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 May 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.

It was moved by Hudson, second by McKinney to adopt Resolution - Approval of Urban Renewal Plan Amendment.

Vote 21-228: Hardman, Hudson, McKinney, Trevillyan...4 yes
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 City Clerk indicated the notice was published on May 4, 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 Agreement.

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Vote 21-229: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider Agreement for Private Development, initiated by Claim Doc, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 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.

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

Vote 21-230: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider Community Development Block Grant Program - 2021-22 Annual Action Plan, 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 May 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.

It was moved by Hudson, second by McKinney to adopt Resolution - Approval of 2021-22 Annual Action Plan.

Vote 21-231: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider 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 (Continued from May 3, 2021). He asked for the date the notice was published and the City Clerk indicated the notice was published on April 29, 2021 and May 6, 2021 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated a number of correspondences and a petition were received, which were included with the council communication.

Mayor Gaer requested that staff provide background information on the item.

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Brian Hemesath, City Engineer, reported the City Manager and a Council member had requested that staff to look into expanding this fee district to include additional property south of the existing fee district, so Veenstra and Kimm was contracted to conduct the study on what infrastructure would need to be constructed to service the entire area. He explained Veenstra and Kimm determined what the additional infrastructure would cost, added it to the cost of the existing fee district, and divided the total cost equally across the entire area. The resulting fee equaled approximately \$6,600 per acre.

Bob Veenstra, Veenstra and Kimm, explained this follows the same process the City has used for 20 years. This process is a long-term approach with the understanding that it will take many years to build all the infrastructure to serve the district. This funding method would spread the costs of that infrastructure out over the entire area, as opposed to only the area that is first to develop.

Mayor Gaer requested confirmation that no property owner would be obligated to pay the fee unless they connect to the sewer.

Mr. Hemesath responded that is correct. He also stated there is no anticipated construction schedule at this time, but the amendment to expand the sewer fee district is being brought forward because there are some developers along Grand Prairie Parkway and Veterans Parkway that are interested in connecting sewer to their land, which would be very difficult to do without this expansion of the sewer fee district.

City Attorney Dick Scieszinski noted one of the concerns of the property owners is that they perceive this action means they might be annexed into the City of West Des Moines at some point in the future.

Mr. Hemesath explained the sewer system needs to account for the entire drainage basin, even the areas outside the corporate limits, or the sewer system would not be able to function. He noted the City has other fee districts in place that include land outside the corporate limits. He also explained that the only scenario where a property owner would be obligated to connect to this sewer would be if they are within the city limits, their septic system has failed, and there is a City sewer line in service within 400 feet of the property.

Mayor Gaer noted that historically, it has been more expensive for property owners to install a new septic system than it is to pay the fee to connect to the city sewer.

Mayor Gaer asked if there were any public comments.

Sharon Rosenberg, 1183 Vintage Avenue, Cumming, expressed a desire to know how much of the original 2010 sewer fee district area has since connected to the sewer.

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Dawn Archer, 3195 Cumming Road, Cumming, spoke in opposition to the proposed amendment to the sewer connection fee district. She stated she felt the information provided to property owners was not clear, and she expressed concerns that the City could someday attempt an involuntary annexation of her property. She also expressed concerns that this proposed amendment, which would impact her property, is being considered by a governing body made up of members that were never on her ballot, because she is not a West Des Moines resident.

Madison County Supervisor Heather Stancil stated she believes there was a misunderstanding that she was going to provide the information about the City's intentions to continue the public hearing to all the impacted property owners, however she only provided the information to the residents that had reached out to her, as she never had a list of all the impacted property owners. She also expressed concerns that the information provided to property owners was not clear.

Holly Reid, 1211 Valleyview Court, Cumming, stated she echoes the previous comments, and she expressed concerns that there are a lot of questions not yet answered. She inquired where the funding for the construction of the sewer infrastructure would come from. She suggested a property owner meeting be scheduled to give the property owners an opportunity to have their questions answered. She also stated she questions the necessity of this sewer infrastructure, since she and a number of her neighbors recently installed new septic systems.

Cindy Flewellyn, 3191 Cumming Road, Cumming, submitted additional signatures to the petition opposed to the proposed amendment. She spoke in opposition to the proposed amendment and expressed concerns that the information provided to property owners was not clear. She also expressed concerns that this proposed amendment, which would impact her property, is being considered by a governing body made up of members that were never on her ballot, because she is not a West Des Moines resident, and she expressed concerns that the City could someday attempt an involuntary annexation of her property. She also expressed concerns about potential negative environmental impacts to the Badger Creek watershed if the proposed sewer infrastructure is constructed.

Tom Miller, 3175 Cumming Road, Cumming, spoke in opposition to the proposed amendment, citing concerns that the City doesn't care about the property owners in this area, because it was the Warren Water District that offered to provide water service and not the City of West Des Moines. He also expressed concerns about the tax incentives provided for the Microsoft data centers and the power lines that were installed running through his property to provide electrical service to those data centers. He also expressed concerns that the City could someday attempt an involuntary annexation of his property.

Eric Kenoyer, 1270 Upland Lane, Van Meter, spoke in opposition to the proposed amendment, and he expressed concerns that the provided map of the proposed boundaries for the sewer fee district does not show enough to detail for it to be interpreted clearly. He also expressed concerns that the City could someday attempt an involuntary annexation of his property.

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Pat Richter, 1176 Vintage Avenue, Cumming, expressed concerns that he believes the formula used to calculate the per-acre fee did not account for the minimum lot size for Madison County properties, which means most parcels will not be able to subdivide. He also stated he felt the information provided to property owners was not clear.

Randy Golightly, 1039 Badger Creek Road, Van Meter, spoke in opposition to the proposed amendment, stating the property owners in this area wish to maintain their rural way of life and are not seeking to develop their properties. He stated they have no interest in sewer service or annexing into the city.

Timothy Jason Armstrong, 1072 Upland Avenue, Van Meter, spoke in opposition to the proposed amendment, stating the property owners in this area wish to maintain their rural way of life. He noted the \$6,600 fee would be more than he can afford, so if he would be required to connect to the sewer and pay that fee, he would seek to move elsewhere. He also expressed concerns about the possibility of the sewer running through his property.

Nick Critelli, 317 6th Avenue, Des Moines, representing some of the property owners, expressed concerns that the information provided to property owners was not clear. He stated the City has not adequately explained the reason for this proposed sewer fee district to be expanded at this time and in this location, and he stated the property owners have expressed they are not interested in sewer service or being annexed into the city. He also expressed concerns that this proposed amendment is being considered by a governing body that does not represent any of the property owners, and even though it has been explained that the property owners would only need to connect to the sewer and pay the fee under certain circumstances, the property owners interpret that as uncertainty. He requested that the City reconsider the project and do more due diligence.

The Mayor and Council discussed how to proceed and reached a consensus in support of continuing the public hearing indefinitely.

Mayor Gaer requested that staff schedule an informational meeting with the property owners to be held in Madison County and the matter be discussed at an upcoming meeting of the Public Services Subcommittee. He also requested that the noticing for a future public hearing provide clearer and more detailed information.

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

Vote 21-232: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider Conveyance of Property Comprising approx. 0.404 acres Located at 301 Grand Avenue to

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Wendy's West Maple, 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 May 12, 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 Hardman to adopt Resolution - Approval of Conveyance of Property.

Vote 21-233: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 6(j) Mayor Gaer indicated this was the time and place for a public hearing to consider 2020-21 FY Operating and Capital Budget - Amendment #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 April 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 Trevillyan, second by Hudson to adopt Resolution - Approval of Budget Amendment #3.

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

Vote 21-234: Hardman, Hudson, Trevillyan ... 3 yes
 McKinney ... 1 abstain due to potential conflict of interest
Motion carried.

On Item 6(k) Mayor Gaer indicated this was the time and place for a public hearing to consider Booneville Road, South 100th Street to South 115th 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 May 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 Trevillyan, second by Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Absolute Concrete Construction, Inc.

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

Vote 21-235: Hardman, Hudson, Trevillyan ... 3 yes
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

On Item 6(l) Mayor Gaer indicated this was the time and place for a public hearing to consider Grand Avenue West Segment 5B and 7A Sewers, 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 May 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.

It was moved by Hudson, second by Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Rognes Corporation.

Vote 21-236: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 6(m) Mayor Gaer indicated this was the time and place for a public hearing to consider West Grand Business Park, Booneville Road to Grand 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 May 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.

It was moved by McKinney, 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, LLC.

Vote 21-237: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

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On Item 6(n) Mayor Gaer indicated this was the time and place for a public hearing to consider Digital Enterprise Conduit Deployment Segment 3, Phase 2, 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 May 7, 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 Trevillyan, 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 21-238: Hardman, Hudson, Trevillyan ... 3 yes
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

On Item 6(o) Mayor Gaer indicated this was the time and place for a public hearing to consider Digital Enterprise Conduit Deployment Segment 5, Phase 3 - Raccoon River Crossing, 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 May 7, 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 Trevillyan 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.

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

Vote 21-239: Hardman, Hudson, Trevillyan ... 3 yes
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

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On Item 6(p) Mayor Gaer indicated this was the time and place for a public hearing to consider Valley View Park North Loop Road Extension Project, 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 May 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.

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 Absolute Concrete Construction, Inc.

Vote 21-240: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 6(q) Mayor Gaer indicated this was the time and place for a public hearing to consider 2021 Court Improvements, 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 May 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.

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 Minturn, Inc.

Vote 21-241: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 6(r) Mayor Gaer indicated this was the time and place for a public hearing to consider Crossroads Park Tennis Court Lighting, 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 May 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 Hudson, second by Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Van Maanen Electric, Inc.

Vote 21-242: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 7(a) 88th Street Lofts, 520 88th Street - Approval of Final Plat to Create One Lot for High Density Residential Development, initiated by TWG WDM, LP

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

Vote 21-243: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 7(b) First National Bank, 301 5th Street - Approval of Site Plan to Allow Construction of a New Bank Building, initiated by First National Bank

Mayor Gaer noted a petition was received today in support of this project.

Council member Trevillyan stated some of the Valley Junction residents had expressed a desire for the bank to use a darker color on the south side of the building, because they felt the original plan included an excessive amount of limestone-colored materials. He noted these concerns have been shared with First National Bank, and they have agreed to amend their request to include some darker stone material on the south side.

Ralph Haskins, 729 5th Street, spoke in support of the amendment to the building materials, stating the darker color provides for some nice scaling.

Matt Coen, RDG Planning and Design, 301 Grand Avenue, representing First National Bank, provided an overview of the changes being made to the proposed site plan request.

It was moved by Trevillyan, second by McKinney to adopt Resolution - Approval of Site Plan, with an amendment to the architecture and building materials on the south side of the building, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 21-244: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 7(c) Lots 3 and 4 All-State Industrial, 1690 and 1730 All-State Court - Approval of Site Plan to Allow Construction of Two Two-Story Warehouse Buildings, initiated by Next Phase

Development, LLC

It was moved by Hudson, second by McKinney 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.

Vote 21-245: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 7(d) Triple J Logistics, 1800 Industrial Circle - Approval of a Phased Major Modification to a Site Plan to Allow Footings, Foundations, Grading, and Private Utility Construction, initiated by Triple J Logistics, LLC

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

Vote 21-246: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 7(e) Cardinal Lofts, 435 South 88th Street - Approval of Major Modification to Allow the Addition of Two Eight-Bay Detached Garage Buildings and Future Surface Parking Stalls, initiated by The Lofts on 88th, LLC

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

Vote 21-247: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 7(f) Des Moines Golf and Country Club, 1600 Jordan Creek Parkway - Approval of Major Modification to Site Plan to Allow Additions and Renovations to the Clubhouse, initiated by Des Moines Golf and Country Club

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

Vote 21-248: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

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On Item 7(g) Neff Properties Parcel '21-13', generally located at the northeast corner of Stagecoach Drive and Future South 95th Street - Approval of Plat of Survey to Transfer Ownership, initiated by Jerry Bussanmas

It was moved by McKinney, second by Hudson 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.

Vote 21-249: Hardman, Hudson, McKinney, Trevillyan...4 yes
Motion carried.

On Item 7(h) Valley Junction Mixed Use, 304 5th Street - Approval of Site Plan to Allow Construction of a 10,559 gross square foot Mixed Use Structure, initiated by Junction Development Catalyst, LLC

No action was taken.

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

On Item 9(a) Update #1 - Valley Junction City Council Workshop

Ralph Haskins, 729 5th Street, expressed concerns that the City Council at the last meeting called for a committee to be established to address development in Valley Junction, and his neighborhood association expected to be contacted by city staff soon after the meeting, but they have not yet been contacted. He spoke in support of the existing Historic West Des Moines Master Plan, and he suggested that, once the committee is established, they should review that plan as a starting point prior to hiring a consultant. He also expressed concerns about a proposed public art piece to be installed in one of the open spaces between 4th Street and 5th Street, because it would not conform to the master plan and it would occupy a portion of the very limited available open space. He suggested that the next step in the process should be staff establishing the committee to review the Historic West Des Moines Master Plan and establish the priorities, which would then help determine whether or not a consultant would be needed.

Mayor Gaer suggested one goal for the committee should be to establish parameters on development in Valley Junction, so that prospective developers understand what the rules are. He agreed with Mr. Haskins' suggestion that staff should get a committee together to review the Historic West Des Moines Master Plan and establish the priorities.

Council member Hardman suggested a facilitator should be hired to facilitate the meetings of this committee.

Mitchell Callahan, 804 4th Street, expressed concerns that some of the residents have had a difficult time participating in the neighborhood association meetings, because they do not

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consistently provide formal notice of their meetings. He suggested that residents that are not part of the neighborhood association should also be given opportunities to provide input throughout the process.

Council member Hardman suggested that the committee should have diversity of thought.

Nancy Earll, 224 7th Street, spoke in support of the amendment to the building materials for the First National Bank Site Plan, because she believes it will fit in better with the neighborhood. She also spoke in opposition to the proposed apartment building development near her business, Nan's Nummies, citing concerns about a multi-family use being inconsistent with the surrounding retail businesses and that it could create parking issues since it would not be required to add any parking. She also spoke in support of the Historic West Des Moines Master Plan, and she suggested that since it is a good plan, the City should work to implement it and there should be no need to pay a consultant to conduct another study.

City Manager Tom Hadden stated the Development Services Department is very busy with a heavy workload, so he requested that the timeline expectations for this significant project be reasonable.

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor