

July 6, 2021

West Des Moines City Council Proceedings
Tuesday, July 6, 2021

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Tuesday, July 6, 2021 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, M. McKinney, and R. Trimble.

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

Vote 21-322: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

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

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

Council member Trimble expressed appreciation to staff for their efforts in coordinating the Independence Day parade and fireworks.

Council member Hudson also expressed appreciation to staff for their efforts in coordinating the Independence Day parade and fireworks.

Council member Hardman also expressed appreciation to staff for their efforts in coordinating the Independence Day parade and fireworks.

On Item 4. Consent Agenda.

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

- a. Approval of Minutes of June 21, 2021 and June 25, 2021 Meetings
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. Fordad, Inc., d/b/a Cattoor's on Grand, 1306 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 2. NVN WDM, LLC d/b/a Courtyard Des Moines West/Jordan Creek, 410 South 68th Street - Class LB Liquor License with Sunday Sales - Renewal
 3. Blue Monday, LLC d/b/a Eggs & Jam, 1907 EP True Parkway, Suite 101 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 4. El Fogoncito, Inc. d/b/a El Fogon, 5465 Mills Civic Parkway, Suite 101 - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges -

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- Renewal
- 5. Jordan Creek Lodging, LLC, d/b/a Hyatt Place at Jordan Creek, 295 South 64th Street - Class LB Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
- 6. P. F. Chang's China Bistro, Inc., d/b/a P. F. Chang's China Bistro, 110 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
- 7. Red Lobster Restaurants, LLC d/b/a Red Lobster #0796, 3838 Westown Parkway - Class LC Liquor License with Sunday Sales - Renewal
- 8. Stu's Petroleum, LLC d/b/a Valley West Corner Store, 1400 Valley West Drive - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
- d. Approval of Tobacco Permits
- e. Approval of Agreement Addendum - MidAmerican Energy RecPlex Exclusive Beverage Provider
- f. Approval of Change Orders:
 - 1. MidAmerican Energy RecPlex - Ice Refrigeration, #4
 - 2. MidAmerican Energy RecPlex - General Construction, #22
 - 3. MidAmerican Energy RecPlex - Ice Arena Dasher Boards, Rubber Flooring, Benching and Ice Arena Supplies, #2
- g. Establish Public Hearings - Issuance of Not to Exceed \$3,500,000 General Obligation Urban Renewal Bonds and Not to Exceed \$6,500,000 General Obligation Urban Renewal Bonds
- h. Order Construction - Parks Maintenance Facility Demolition
- i. Award Contract - East Public Services Facility - Salt Storage Building Maintenance
- j. Accept Work:
 - 1. Booneville Road Reconstruction, South 88th Street to west of South 100th Street
 - 2. Grand Avenue, South Jordan Creek Parkway to South 88th Street - Phase 2
 - 3. SW Grand Prairie Parkway, SW Madison Avenue to Veterans Parkway
- k. Establish Consultation Meeting and Public Hearing - Amendment #5 to the Alluvion Urban Renewal Area
- l. Approval and Acceptance of Storm Water Management Facility Maintenance Agreement - Midtown Redevelopment, 1221, 1245 and 1261 8th Street
- m. Approval of Waiver Request to Allow Public Utility Easement in Front Yard – The Preserve Estates Plat 2
- o. Approval and Acceptance of Property Interests:
 - 2. High Street Storm Sewer Improvements Project

Vote 21-323: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 4(n) Approval of Resolution of Support - Workforce Housing Tax Incentive Project Application to the Iowa Economic Development Authority

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

It was moved by Trimble, second by Hudson to approve Item 4(n) Approval of Resolution of Support - Workforce Housing Tax Incentive Project Application to the Iowa Economic Development Authority.

Vote 21-324: Hardman, Hudson, Trimble ... 3 yes
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

On Item 4(o)1 Approval and Acceptance of Property Interests - Ginger West

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

It was moved by Trimble, second by Hudson to approve Item 4(o)1 Approval and Acceptance of Property Interests - Ginger West.

Vote 21-325: Hardman, Hudson, Trimble ... 3 yes
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

On Item 5(a) King's Grove, 1590 South Kings Grove Avenue - Establish the King's Grove Planned Unit Development (PUD) for Development of Residential Single Family and Existing Multi-Family Units, initiated by King's Grove, LLC

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

Vote 21-326: Hardman, Hudson, McKinney, Trimble...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 21-327: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

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

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Vote 21-328: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 5(b) Amendment to City Code - Title 2 (Boards and Commissions), Chapter 7 (Parks and Recreation Advisory Board), Section 1 (Board Created; Election; Term) - Transition the Parks and Recreation Advisory Board from an Elected Position to an Appointed Position and Increase the Number of Seats from Five to Seven, initiated by the City of West Des Moines.

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

Vote 21-329: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 21-330: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

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

Vote 21-331: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 5C (Solid Waste Control) - Modification of Fees and Charges, initiated by the City of West Des Moines.

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

Vote 21-332: Hardman, Hudson, McKinney, Trimble...4 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.

Vote 21-333: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

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

Vote 21-334: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Galleria, 645 South 60th Street - Amend Comprehensive Plan Land Use Map and Amend the Specific Plan Ordinance to Designate and Regulate Regional Commercial within Lot 1, Galleria at Jordan Creek Plat 9, initiated by Chilipeppers, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 18, 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 abstaining, the Plan and Zoning Commission recommended City Council approval of the comprehensive plan amendment and specific plan amendment.

Mayor Gaer asked if there were any public comments.

Doug Siedenburg, 1350 NW 138th Street, Suite 450, Clive, representing the applicant, stated this property designated as office has not been successful in finding a tenant, so they have requested this amendment to designate it as regional commercial.

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 adopt Resolution - Approval of Comprehensive Plan Amendment.

Vote 21-335: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

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

Vote 21-336: Hardman, Hudson, McKinney, Trimble...4 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 21-337: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

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On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Majestic Oaks, northeast corner of Stagecoach Drive and South Kingswood Court - Amend the Planned Unit Development (PUD) to Revise the Setbacks Indicated for Lot 14, initiated by Majestic Land Company, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 18, 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 PUD 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 Hudson to consider the first reading of the ordinance.

Vote 21-338: Hardman, Hudson, McKinney, Trimble...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 21-339: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 6(c) Westowne Shopping Center, west side of 22nd Street between I-235 and Westown Parkway - Establish the Westowne Shopping Center Planned Unit Development (PUD) to Govern Development of the Existing Shopping Center, initiated by Westowne Center Associates, LLC

It was moved by Trimble, second by McKinney to adopt Motion - Continue Public Hearing to July 19, 2021.

Vote 21-340: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 6(d) Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions) - Add a Definition for Drive-In Theater Seasonal, initiated by the City of West Des Moines

It was moved by Hardman, second by Hudson to adopt Motion - Continue Public Hearing to August 2, 2021.

Vote 21-341: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

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On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider SE County Line Road, Veterans Parkway to SE Soteria Avenue, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 25, 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 Acquisition of Agricultural Property.

Vote 21-342: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider Fiber Optic Interconnect - Orange Route, 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 June 25, 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 Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Kramer Service Group.

Vote 21-343: Hardman, Hudson, McKinney, Trimble...4 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 - Pink Route, 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 June 25, 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 Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Kramer Service Group.

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Vote 21-344: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 7(a) Fox Ridge, south of Veterans Parkway and west of Fox Valley Development - Approval of a Preliminary Plat to Create 191 Lots for Single Family Residential and 136 Footprint Lots for Medium Density Residential Development, Nine Outlots, and Nine Street Lots, initiated by Forestar USA Real Estate Group, Inc. and Charles I. and Ruth Colby Investment Trust

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

Vote 21-345: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 7(b) King's Grove Plat 1, west and south of intersection of Stark Drive and South 100th Street - Approval of a Preliminary Plat to Create 25 Lots for Single Family Residential Development and One Outlot for Common Area, initiated by King's Grove, LLC

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

Vote 21-346: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

On Item 7(c) Plat of Survey Parcels 21-4 and 21-5, 830 and 910 South 88th Street - Approval of Plat of Survey to Create Two Parcels for Transfer of Ownership, initiated by Abbas and Azra Razizadeh, Amir Razizadeh Bana and Nasim Nasiri Razizadeh Bana and Sunset Co., LC

It was moved by Trimble, second by Hardman 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 21-347: Hardman, Hudson, McKinney, Trimble...4 yes
Motion carried.

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

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On Item 9 - Other Matters

Council member Hardman requested Katherine Harrington, President/CEO of the West Des Moines Chamber of Commerce, provide a report on the DEI Workplace Excellence Awards.

Katherine Harrington, President/CEO of the West Des Moines Chamber of Commerce, stated nominations are being accepted for the DEI Workplace Excellence Awards in 11 award categories, and the deadline for submissions is July 30th. Awards will be presented at a celebration event to be held on September 1st at the Ron Pearson Center.

Council member Trimble expressed appreciation to Matt Hauge for his service as Executive Director of the Historic Valley Junction Foundation.

Meredith Wells, President of the Historic Valley Junction Foundation Board, stated there will be a casual reception to honor Matt Hauge at The Winchester tomorrow evening. She also reported the Foundation has hired a new Executive Director who will start July 26th.

The regular meeting was adjourned at 5:55 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.

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

Vote 21-348: Hardman, Hudson, Trimble...3 yes
Motion carried.

Entered Executive Session at 6:00 p.m. with the following persons present in the Board Room of City Hall: Mayor Gaer, Council members Hardman, Hudson, and Trimble; Deputy City Manager, City Attorney, City Clerk, ITS Director, and retained legal counsel Jason Craig of Ahlers & Cooney, P.C.

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

Vote 21-349: Hardman, Hudson, Trimble...3 yes
Motion carried.

Executive Session was adjourned at 6:49 p.m.

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Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor