August 16, 2021

West Des Moines City Council Proceedings
Monday, August 16, 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, August 16, 2021 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, and K. Trevillyan.

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

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

Vote 21-401: Hardman, Hudson, Trevillyan…3 yes
Motion carried.

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

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

Meredith Wells, Board President for the Historical Valley Junction Foundation, introduced the new Executive Director of the Historic Valley Junction Foundation, Steve Frevert, who was most recently the director of the main street program in Burlington, Iowa.

Council member Hudson reported the 2020 census figures were released last week, which confirmed that West Des Moines is still the second largest city in the metro area and that Dallas County is one of the fastest-growing counties in the United States.

Council member Hardman reported she attended the Battle of the Burbs 5K/10K run, and West Des Moines raised the most money and had the most participants.

On Item 4. Consent Agenda.

Council members pulled Items 4(l)3 and 4(l)9 for discussion. It was moved by Trevillyan, second by Hudson to approve the consent agenda as amended.

a. Approval of Minutes of August 2, 2021 and August 13, 2021 Meetings
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. Fara, Inc. d/b/a Cabo Sol Mexican Restaurant, 5010 Mills Civic Parkway, Suite 100 - Class LC Liquor License with Sunday Sales - Renewal

2. Chipotle Mexican Grill of Colorado d/b/a Chipotle Mexican Grill, 490 South 68th Street, Suite 110 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
3. Fox Brewing, LLC d/b/a Fox Brewing, 103 South 11th Street - Class B Beer Permit with Sunday Sales, Brew Pub, High Proof Brew Pub, and Outdoor Service Privileges - Renewal
4. Jethro's Bacon Bacon, Inc., d/b/a Jethro's BBQ n'Bacon Bacon, 1480 22nd Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
5. Richman Enterprises, LLC, d/b/a Krueger BP, 1272 8th Street - Class BC Beer Permit - Renewal
6. Miranda Family Corporation d/b/a Mi Patria, 1410 22nd Street - Class LC Liquor License - Renewal
7. Taste of the Junction, Inc. d/b/a Taste of the Junction Multicultural Festival – Five-Day Class B Beer Permit with Outdoor Service for Street Party Event in the 400 Block of Railroad Place, September 4, 2021

d. Approval of Acknowledgment/Settlement Agreement - Violation of Tobacco Laws
e. Approval of Special Event Lane Closure - Giles Street Block Party, August 28, 2021
f. Approval of Parking on School Property Grass - 2021 Valley Stadium Events
g. Approval of Renewal Contract Agreements:
   1. Emergency Sanitary and Storm Sewer Repair Services
   2. Street and Cul-de-sac Snow and Ice Removal Services
h. Approval of Change Order #2 - Digital Enterprise Last Mile Conduit Deployment Segment 5, Phase 2
i. Approval to Purchase Meeting Room and Event Chairs - MidAmerican Energy RecPlex
j. Order Construction - Crossroads Park Parking Lot and Water Quality Improvements
k. Accept Work - Fiber Conduit Interconnect, Teal Route
l. Approval of Professional Services Agreements:
   1. Digital Enterprise Network Segment 5, Phase 3
   2. Ashworth Road Reconstruction, 19th Street to 22nd Street
   4. Grand Avenue West Segment 3 Sewer Extension
   5. Mills Civic Parkway, South 91st Street to South Grand Prairie Parkway
   6. Raccoon River Stormwater Pump Station Controls Replacement
   7. Sanitary Sewer Hydraulic Analysis
   8. South 51st Street, Mills Civic Parkway to Fieldstone Drive
   10. Valley Junction Business District Pavers and Sidewalk, Phase 2
m. Approval of Proposal from MidAmerican Energy Company for Underground Electric Extension - Grand Avenue Reconstruction, 1st Street to 4th Street
n. Authorize Construction of Public Improvements - Booneville Road Sanitary Sewer Extension (Stonewood Plat 1)
o. Approval of Memorandum of Agreement with Iowa Department of Natural Resources – Raccoon River East Pedestrian Bridge

p. Approval and Acceptance of Sanitary Sewer Easement, Storm Sewer Easement and Parkland Dedication Agreement - 304 5th Street
q. Approval and Acceptance of Amended Storm Water Facility Maintenance Agreement – Grand Valley Plats 1, 2, and 3
r. Approval and Acceptance of Property Interests - Ginger West
s. Approval of Terms and Conditions of the West Des Moines Open Access Conduit Network Installation Agreement
t. Approval of Request for Professional Consulting Services - Historic West Des Moines Master Plan
u. Approval of Special Event Lane Closure and Waiver of City Code Requirement – Taste of the Junction Multicultural Festival, September 4, 2021
v. Proclamation of Recognition - West Des Moines Library Friends Foundation

Vote 21-402: Hardman, Hudson, Trevillyan…3 yes
Motion carried.

On Item 4(l)3 Approval of Professional Services Agreement - Fairmeadows Creek Stabilization South of Railroad Avenue

Council member Trevillyan requested clarification on the scope of this project.

Brian Hemesath, City Engineer, explained the stabilization work will be done entirely within the City property, and there will be some concrete lining installed.

It was moved by Trevillyan, second by Hardman to approve Item 4(l)3 Approval of Professional Services Agreement - Fairmeadows Creek Stabilization South of Railroad Avenue.

Vote 21-403: Hardman, Hudson, Trevillyan…3 yes
Motion carried.

Council member McKinney and Council member Trimble began participating via teleconference at 5:43 p.m.

On Item 4(l)9 Approval of Professional Services Agreement - Stagecoach Drive, South Jordan Creek Parkway to South 78th Street

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

It was moved by Hardman, second by Hudson to approve Item 4(l)9 Approval of Professional Services Agreement - Stagecoach Drive, South Jordan Creek Parkway to South 78th Street.

Vote 21-404: Hardman, Hudson, McKinney, Trimble … 4 yes
Trevillyan … 1 abstain due to potential conflict of interest
Motion carried.

Mayor Gaer read Proclamation of Recognition - West Des Moines Library Friends Foundation.

On Item 5(a) Contract with The Conley Group, Inc. for City Hall Building Security Services, initiated by the City of West Des Moines

Al Womble, 818 Ashmore Circle, expressed support for terminating the City's contract with The Conley Group, Inc. for City Hall building security services, and he urged the City Council to stand up for racial equity during this moment of truth despite the consequences.

Rachelle Long, 106 11th Street, expressed support for terminating the City's contract with The Conley Group, Inc. for City Hall building security services, stating she believes the City should not support an individual that holds the views expressed by Mr. Conley.

Jacqueline Thompson, 2100 Center Street, expressed support for terminating the City's contract with The Conley Group, Inc. for City Hall building security services and thanked the City Council for their bravery.

Julie Stauch, 4712 Westwood Drive, inquired if the contract has a 30-day out without cause.

Mayor Gaer responded yes.

It was moved by Hardman, second by Hudson to adopt Resolution - Approval to Terminate Contract.

Vote 21-405: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 21-406: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 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 21-407: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 21-408: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(c) Amendment #5 to Alluvion Urban Renewal Area, initiated by the City of West Des Moines.

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

Vote 21-409: 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 Trevillyan to approve the second reading of the ordinance.

Vote 21-410: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 21-411: 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 Pavilion Park, west of 9075 and 9076 Lindas Lane - Amend Comprehensive Plan Land Use Map and Amend the Pavilion Park Planned Unit Development (PUD) to Designate Parcel E within the PUD for Single Family Development, initiated by Pavilion Park, LC. He asked for the date the notice was published and the City Clerk indicated the notice was published on July 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 comprehensive plan amendment and 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 adopt Resolution - Approval of Comprehensive Plan Amendment.

Vote 21-412: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 21-413: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 21-414: 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 Jordan Creek Business Park, north side of Village View Drive between South 60th Street and South 64th Street - Amend Comprehensive Plan Land Use Map and Amend the Jordan Creek Business Park Specific Plan Ordinance to Designate and Regulate High Density Residential within Development Parcel C, initiated by Todd Rueter. He asked for the date the notice was published and the City Clerk indicated the notice was published on July 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 comprehensive plan amendment and specific amendment. Additionally, two correspondences were received and included with the council communication, and one petition was received and placed on the dais this evening.

Lynne Twedt, Development Services Director, reported staff reviewed the petition that was received and, based on the signatures that could be identified, the petition did not meet the criteria needed to require a supermajority vote from the City Council for approval. She explained that the proposed amendments would change these parcels' land use from office to high-density residential apartments. She noted the wetland areas will remain as-is, acting as a buffer for the single-family residential development to the north of these apartments.

Mayor Gaer asked if there were any public comments.

Charla Bruce, 5930 Fairway Court, spoke in opposition to the proposed amendments. She expressed concerns that the homeowners in this neighborhood all made sizable investments in their properties with the understanding that these parcels would be developed as commercial.

Scot Stoltenberg, 6122 Kings Way, spoke in opposition to the proposed amendments. He stated he always understood these parcels could be developed as one or two-story office buildings, which would have been acceptable to him; however this change would allow them to be developed as three and four-story apartment buildings, which would be visible from his property during the winter with no tree cover.

Alex Koenen, 6350 Coachlight Drive, #1307, stated he was not aware that residents could sign a petition to require a supermajority vote from the City Council for approval, and he requested that the item be continued to allow additional time to add more signatures to the petition.

City Attorney Dick Scieszinski explained that the Iowa Code states the deadline for petition signatures to be filed is the day and time of the public hearing, so additional signatures could not be accepted.

Mark Lyle, 5870 Fairway Court, provided a list of all the petition signers with their addresses.

Nick Jensen, Caliber Iowa, 720 South 68th Street, provided an overview of this proposed development, which will be named the Reserve at Jordan Creek apartments and include four apartment buildings. He spoke in support of the proposed amendments, stating he believes high-density residential is a suitable fit for these parcels, as it would provide a buffer between the single-family residential to the north and the commercial to the south. He also noted there is a demand for high-quality rental housing with elevators, so this project would help fulfill that need in the community.

Ms. Twedt stated she has reviewed the list provided by Mr. Lyle and confirmed the petition still does not meet the criteria needed to require a supermajority vote from the City Council for approval.

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 Comprehensive Plan Amendment.

Vote 21-415: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 21-416: Hardman, Hudson, McKinney, Trevillyan … 4 yes
Trimble … 1 no
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 21-417: Hardman, Hudson, McKinney, Trevillyan … 4 yes
Trimble … 1 no
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Reed's Crossing Parcel G, southwest corner of EP True Parkway and 68th Street - Amend the Town Center Overlay District Boundary by Removing Parcel G within the Reed's Crossing Planned Unit Development (PUD), initiated by Jordan Creek Point, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on July 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 amendment to the overlay district boundary.

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 Amendment to the Town Center Overlay District Boundary.

Vote 21-418: 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 Booneville Road Bridge Over Johnson Creek, 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 August 6, 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 McKinney to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Iowa Bridge & Culvert, L.C.

Vote 21-419: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider Digital Enterprise Last Mile Conduit Deployment Segment 1, 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 August 6, 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 Hardman to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Communication Data Link.

Vote 21-420: 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 Digital Enterprise Conduit Deployment 2021 Multi-Family and Non-Residential Drop Installation, 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 August 6, 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 Kramer Service Group.

Vote 21-421: Hardman, Hudson, Trevillyan, Trimble … 4 yes
McKinney … 1 abstain due to potential conflict of interest
Motion carried.

On Item 7(a) Covenant Cove Plat 2, south and west of Crestview Drive and 96th Street - Approval of a Final Plat to Create 21 Lots for Townhome Development and One Outlot for Common Area, initiated by Covenant Cove, LLC

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

Vote 21-422: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Grand Valley Townhomes, north of Grand Avenue and east of South 35th Street - Approval of a Preliminary Plat to Create 113 Lots for Townhome Development, One Outlot for Common Area and Private Streets and Approval of a Site Plan to Allow Construction of 113 Attached Townhomes, initiated by Grand Valley Townhomes, LLC

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

Vote 21-423: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(c) Platinum Pointe Townhomes, southwest corner of Bridgewood Boulevard and South 88th Street - Approval of a Preliminary Plat to Create 66 Lots for Attached Townhome Development, One Public Street Lot and One Outlot for Common Area, Detention, and Private Streets, initiated by Hale Development Co., LLC

It was moved by Hudson, 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 21-424: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(d) Jordan Ridge Plat of Survey, southwest corner of South Jordan Creek Parkway and Stagecoach Drive - Approval of a Plat of Survey to Create Two Parcels for Transfer of Ownership, initiated by Robert F. Etzel Living Trust

It was moved by Hudson, second by McKinney 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 21-425: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(e) Issuance of $20,395,000 General Obligation Urban Renewal Bonds, Series 2021B, initiated by the City of West Des Moines

Susanne Gerlach, Public Financial Management, 801 Grand Avenue, Des Moines, reported the City recently had its bond rating reviewed by Standard & Poor's, and the City's AAA bond

rating was affirmed. She then presented the tabulations of bids for the two bond issuances. Series 2021B received four bids, which included 46 bidders that went in as syndicates. The low bid, submitted by FHN Financial Capital Markets, came in at a true interest rate of 1.61 percent. Series 2021C received one bid, which included 28 bidders that went in as syndicates. The low bid, submitted by Robert W. Baird, came in at a true interest rate of 1.69 percent.

It was moved by Trevillyan, second by Hardman to adopt Motion - Receive and File Report of Bids and Resolution - Authorizing and Approval of a Loan Agreement, Providing for the Sale and Issuance of Bonds, and Providing for the Levy of Taxes to Pay Said Bonds.

Vote 21-426: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(f) Issuance of $3,190,000 General Obligation Urban Renewal Bonds, Series 2021C, initiated by the City of West Des Moines.

It was moved by Trevillyan, second by Hudson to adopt Motion - Receive and File Report of Bids and Resolution - Authorizing and Approval of a Loan Agreement, Providing for the Sale and Issuance of Bonds, and Providing for the Levy of Taxes to Pay Said Bonds.

Vote 21-427: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(g) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (No Parking Zones) - 5th Street, Walnut Street to 45 feet south of Walnut Street (east side and west side), initiated by the City of West Des Moines

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

Vote 21-428: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 21-429: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 8(a) Human Services Financial and Operational Assessment - Received and Filed

Council member Hardman expressed appreciation for this detailed report, and she inquired if the Human Services Departments is working on the high priority recommendations.

Althea Holcomb, Human Services Director, responded yes, they are working on the high priority recommendations, which will help adequately segregate the duties between the City department and the friends foundation. She noted they expect to resolve the high priority recommendations within the next year.

Mayor Gaer suggested that staff bring an update back to the Council once all the high priority recommendations have been resolved.

On Item 9 - Other Matters: none

The meeting was adjourned at 7:14 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor