

September 7, 2021

West Des Moines City Council Proceedings
Tuesday September 7, 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, September 7, 2021 at 5:30 PM. Council members present were: R. Hardman, G. Hudson, M. McKinney, K. Trevillyan and R. Trimble.

City Clerk Ryan Jacobson stated staff is recommending the agenda be amended to remove Items 4(f)1 Professional Services Agreement - Delati ITS, LLC and 4(f)2 Professional Services Agreement - Tello ITS Solutions, LLC.

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

Vote 21-430: Hardman, Hudson, McKinney, Trevillyan ... 4 yes
Motion carried.

Council member Trimble arrived at 5:31 p.m. The attendance was re-taken. Council members present were: R. Hardman, G. Hudson, M. McKinney, K. Trevillyan and R. Trimble.

On Item 2. Public Forum:

Troy Zeleznik, 2512 Meadow Lane, expressed concerns about non-conforming trees and weeds growing on a City-owned drainage channel parcel near the intersection of 27th Street and Meadow Lane.

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

Council member McKinney reported he attended a meeting of the Development and Planning Subcommittee, where discussion was held on a proposed multi-use development near the intersection of Ashworth Road and Jordan Creek Parkway and the Railroad Park Restrooms project.

Council member Trevillyan reported he will hold a Ward 1 quarterly town hall meeting on Saturday, September 11th.

Council member Trimble reported the Finance and Administration Subcommittee met and discussed potential development projects in Valley Junctions, the possibility of establishing an Economic Development District for central Iowa. He reported the Public Safety Subcommittee also met and discussed the potential use of the East Public Services Facility as a backup facility for Westcom, the approval process for waivers of ambulance fees, the future location of the Independence Day fireworks, the potential shared facility with the National Guard, and a review

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of the Westpet 28E agreement.

Council member Hudson congratulated Public Services Director Bret Hodne on the opening of the new West Public Services Facility.

Council member Hardman reported she attended the Development and Planning Subcommittee. She stated there have been discussions about a partnership between the City and the West Des Moines Community School District for a skilled trades program, and she expressed support for the program. She also reported the City has hired Audrey Kennis as its first Diversity, Equity, and Inclusion Director. She expressed appreciation to Katherine Harrington, President/CEO of the West Des Moines Chamber of Commerce, for hosting the inaugural Diversity, Equity, and Inclusion Workplace Excellence Awards, which was a phenomenal event that highlighted diversity, equity, and inclusion initiatives in our city. She also stated the Taste of the Junction Multicultural Festival was held on Saturday, and she congratulated Rachelle Long for organizing a successful event.

City Manager Tom Hadden requested that staff provide an update on the University Avenue Corridor Study.

Clyde Evans, Community and Economic Development Director, reported there is a draft plan review session with the advisory committee scheduled for September 22nd. There are plans to hold a joint meeting between the Plan and Zoning Commission and City Council on October 4th. The week of October 11th, there will be follow-up discussions with shareholders, and a draft plan open house would be scheduled for October 20th. The final draft would then be scheduled for review by the advisory committee on November 3rd, the Plan and Zoning Commission on November 8th, and then the City Council on November 15th.

On Item 4. Consent Agenda.

It was moved by Trimble, second by Hardman to approve the consent agenda as presented.

- a. Approval of Minutes of August 16, 2021 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 1. Five K Enterprises, LLC d/b/a Brazil Terra Grill, 2800 University Avenue, Suite 405 - Class LC Liquor License with Outdoor Service and Catering Privileges - Renewal
 2. Cinemark USA, Inc. d/b/a Century 20 Jordan Creek and XD, 101 Jordan Creek Parkway, Unit 2000 - Class BW Permit with Sunday Sales - Renewal
 3. KRC Partners, LLP, d/b/a Cooper's on 5th, 227 5th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 4. Montes Corporation d/b/a El Toreado Mexican Bar & Grill, 3751 EP True Parkway - Class LC Liquor License with Sunday Sales - Renewal

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5. Tap This Concessions, LLC d/b/a Iowa Craft Beer Tent, 6785 Westown Parkway - Five-Day Class B Beer Permit with Outdoor Service for a Private Event - September 13, 2021
6. Lodge of Ashworth, Inc., d/b/a The Lodge of Ashworth Club, 909 Ashworth Road - Class LC Liquor License with Sunday Sales, Living Quarters, Outdoor Service, and Catering Privileges - Renewal
7. Sakura Sushi, Inc., d/b/a Sakura Sushi, 1960 Grand Avenue, Suite 11 - Class LC Liquor License with Sunday Sales - Renewal
8. West Des Moines Chamber of Commerce d/b/a West Des Moines Chamber of Commerce - Five-Day Class B Beer Permit with Outdoor Service for the “Raccoon River Rally” Event in Raccoon River Park - October 2, 2021
- d. Approval of Appointment - Mid-Iowa Planning Alliance for Community Development
- e. Approval to Sell Surplus City Equipment
- f. Removed
- g. Approval of Memorandum of Understanding and Cost Reimbursement Agreement – National Joint Terrorism Task Force and Joint Terrorism Task Forces
- h. Approval of Amendments to Professional Services Agreements:
 1. Miscellaneous Land Surveying Services
 2. Sugar Creek Greenway Trail, Phase 1
- i. Approval of 2022 City Council Meeting Schedule
- j. Approval of Interfund Transfers
- k. Order Construction:
 1. Grand Avenue, South Grand Prairie Parkway to South 115th Street
 2. SE County Line Road, SE Soteria Avenue to Veterans Parkway
- l. Accept Work - Raccoon River Basin Segment 5 Gravity Sewer
- m. Approval of Professional Services Agreements:
 1. Update to the Historic West Des Moines Master Plan
 2. Zoning Ordinance Update
- n. Accept Public Improvements - Rogers Farm Lot 1
- o. Approval of Proposal from MidAmerican Energy Company for Underground Electric Service - South 41st Street and Mills Civic Parkway HAWK Beacon
- p. Establish Public Hearings Regarding the Final Design, Site Selection and Consideration of Acquiring Agricultural Property - Grand Avenue West Segment 4 Sewer Extension
- q. Approval to Allow a Fence in a Landscape Buffer - 9114 South 91st Court
- r. Establish Consultation Meeting and Public Hearing - Amendment #12 to the Amended & Restated Mills Parkway Urban Renewal Area
- s. Approval and Acceptance of Property Interests - South Area Trunk Sewer Western Extension
- t. Approval of Proclamations:
 1. Underground Railroad Month, September 2021
 2. Welcoming Week, September 10-19, 2021

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Vote 21-431: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

Mayor Gaer read Proclamation - Underground Railroad Month.

On Item 5(a) Pavilion Park, west of 9075 and 9076 Lindas Lane - Amend the Pavilion Park Planned Unit Development (PUD) to Designate Parcel E within the PUD for Single Family Development, initiated by Pavilion Park, LC

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

Vote 21-432: 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 21-433: 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 21-434: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(b) Jordan Creek Business Park, north side of Village View Drive between South 60th Street and South 64th Street - Amend the Jordan Creek Business Park Specific Plan Ordinance to Designate and Regulate High Density Residential within Development Parcel C, initiated by Todd Rueter

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

Vote 21-435: 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 second reading of the ordinance.

Vote 21-436: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 5(c) 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 Trimble to consider the second reading of the ordinance.

Vote 21-437: 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 Trimble to approve the second reading of the ordinance.

Vote 21-438: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

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

Vote 21-439: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(d) Issuance of \$20,395,000 General Obligation Urban Renewal Bonds, Series 2021B, initiated by the City of West Des Moines

It was moved by Hardman, second by Hudson to adopt Resolution - Appoint Paying Agent, Registrar, and Transfer Agent, and Resolution - Approval and Authorization of a Loan Agreement, Authorizing the Issuance, Levying a Tax to Pay Said Bonds, and Approval of Tax Exemption Certificate and Continuing Disclosure Certificate.

Vote 21-440: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(e) Issuance of \$2,990,000 General Obligation Urban Renewal Bonds, Series 2021C, initiated by the City of West Des Moines

It was moved by Hardman, second by Hudson to adopt Resolution - Appoint Paying Agent, Registrar, and Transfer Agent, and Resolution - Approval and Authorization of a Loan Agreement, Authorizing the Issuance, Levying a Tax to Pay Said Bonds, and Approval of Tax Exemption Certificate and Continuing Disclosure Certificate.

Vote 21-441: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 6(a) West Des Moines/Cumming Annexation Moratorium and Subdivision Review Agreement, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Trimble to adopt Motion - Continue Public Hearing to October 4, 2021.

Vote 21-442: 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 Infrastructure Agreement, initiated by Jordan Ridge, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on August 27, 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 Agreement.

Vote 21-443: 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 Digital Enterprise Single Family Drop Conduit Installation Network Section 2 and 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 August 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 Trevillyan, second by Hudson to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Reject All Bids.

Council member Trimble stated he has received complaints from residents who have had the right-of-way in front of their homes disturbed for this project and are dissatisfied with the restoration job done by the contractors. He requested that staff continue to emphasize with the contractors the importance of restoring the ground back to what it was before.

Mayor Gaer inquired if the rejection of these bids and re-bidding the project will cause a delay in providing service to those properties.

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Brian Hemesath, City Engineer, responded staff does not anticipate this causing any significant delays.

Council member Trevillyan inquired if staff knows the reason why only two bids were received.

Mr. Hemesath responded staff believes the reason for receiving only two bids was because the scope of this project was so large, and staff anticipates splitting the project into multiple sections would attract more bids.

Vote 21-444: Hardman, Hudson, Trevillyan, Trimble ... 4 yes
McKinney ... 1 abstain due to potential conflict of interest

Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Holiday Park Baseball Improvements, Phase 6A - Maintenance Building 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 August 27, 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 Motion - Defer Award of Contract.

Vote 21-445: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Browns Woods Estates Plat 2, generally located at the intersection of SE 5th Street and SE Walnut Woods Drive - Approval of Final Plat to Create 21 Lots for Single Family Development and Two Street Lots, initiated by Venture Homes by Stephen R. Grubb 1, LLC

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

Vote 21-446: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Della Vita Plat 3, northwest corner of 88th Street and EP True Parkway - Approval of Final Plat to Create 29 Lots for Single Family Development, One Outlot and Three Street Lots, initiated by Della Vita, LLC

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

Vote 21-447: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Della Vita Plat 4, northwest corner of 88th Street and EP True Parkway - Approval of Final Plat to Create 32 Lots for Single Family Development and Three Street Lots, initiated by Della Vita, LLC

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

Vote 21-448: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(d) Ginger East Plat 1, east of Veterans Parkway at SE Maffitt Lake Road - Approval of Final Plat to Create Two Lots for Industrial Development, One Outlot and One Street Lot, initiated by Microsoft Corporation

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

Vote 21-449: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(e) West Lake Office Park Plat 15, southwest corner of University Avenue and 71st Street - Approval of Final Plat to Create Two Lots for Commercial Development, initiated by Fore Right, LC and West Lakes Commercial, LLC

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

Vote 21-450: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(f) Woodland Estates Plat 1, northeast corner of South Kingswood Court and Stagecoach Drive - Approval of a Preliminary Plat to Create 22 Lots for Single Family Residential Development, One Outlot for Future Development and One Street Lot, initiated by Silo 9, LLC

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It was moved by Hardman, second by Hudson 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 21-451: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(g) Platinum Pointe Townhomes, southwest corner of Bridgewood Boulevard and South 88th Street - Approval of a Site Plan to Construct 66 Attached Townhomes, initiated by Hale Development CO., LLC

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

Council member McKinney noted there has been a lot of residential development activity recently, and he requested that staff provide data on how the current trends compare to the past ten years.

Vote 21-452: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(h) Maple Grove Church Shelter, 9155 Ashworth Road - Approval of Minor Modification Level 2 to Allow an Open-Air Shelter to Be Relocated on the Site, initiated by Ron Sweeney

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

Council member Trevillyan requested clarification on this item.

Linda Schemmel, Development Coordinator, explained the original shelter had been removed when Ashworth Road was widened and the new church building was constructed. The church is now requesting to construct a new shelter in the same location as the original shelter.

Vote 21-453: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(i) Railroad Park Restrooms, 425 Railroad Place - Approval of Level 2 Minor Modification to Allow Construction of a New Restroom Facility, initiated by the City of West Des Moines

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

Vote 21-454: Hardman, Hudson, McKinney, Trevillyan, Trimble...5 yes
Motion carried.

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

On Item 9 - Other Matters

Council member Trimble wished a happy belated birthday to Mayor Gaer and Council member Hardman.

The regular meeting was adjourned at 6:27 p.m. and a Council Workshop followed.

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

Vote 21-455: Hardman, Hudson, McKinney, Trevillyan, Trimble ...5 yes
Motion carried.

Entered Executive Session at 7:14 p.m. with the following persons present in the Council Chambers of City Hall: Mayor Gaer, Council members Hardman, Hudson, McKinney, Trevillyan, Trimble; City Manager, City Attorney, City Clerk, and Deputy City Clerk.

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

Vote 21-456: Hardman, Hudson, McKinney, Trevillyan, Trimble ...5 yes
Motion carried.

Executive Session was adjourned at 7:47 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor