September 20, 2021

West Des Moines City Council Proceedings
Monday, September 20, 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, September 20, 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 the council workshop on the conduit network update.

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

Vote 21-457: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 2. Public Forum

Ed Bowden, 6220 Brookview Drive, expressed concerns regarding the quality of the restoration work done on his property by one of the contractors for the conduit network project.

Troy Zeleznik, 2512 Meadow Lane, commended the Public Services Department for doing a really good job responding to his concerns and removing the non-conforming trees and weeds that had been 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:

Richard Leopold, Director of Polk County Conservation, presented information regarding the Polk County Water and Land Legacy bond referendum, which will be on the ballot during the upcoming November 2nd election.

Gregory Benson Allen, Commander of VFW Post 8879, reported the post will celebrate its 75th anniversary next year, and he presented information on the ongoing programs and planned events for VFW Post 8879.

Council member McKinney reported the City of West Des Moines won the competition for bringing the largest number of participants to the Battle of the Burbs 5K/10K run, and he presented the championship belt to Mayor Gaer.

Council member Trimble reported the Finance and Administration Subcommittee met and discussed the recommendations of the Human Services Financial and Operational Assessment

and the proposed calendar for the FY 2022-2023 budget process.

Council member Hudson reported Illumifest will be held on the City Hall campus on Saturday, September 25th and the Raccoon River Rally will be held at Raccoon River Park on Saturday, October 2nd. He also reported he attended a meeting of the Community Compliance Subcommittee, where discussion was held on dumpsters without enclosures in the Valley Junction Business District.

Council member Hardman reported she attended the first responders' breakfast hosted by the West Des Moines Chamber of Commerce, and it was a fantastic event. She also attended a ribbon cutting ceremony for AM Training Institute.

City Manager Tom Hadden introduced Audrey Kennis, who has been hired as the City's first Diversity, Equity, and Inclusion Director.

Audrey Kennis, Diversity, Equity, and Inclusion Director, thanked the City for this opportunity and expressed excitement to work with the Mayor, Council, and staff, as they strive to ensure the City's policies, practices and procedures meet the diversity needs of our community.

Mayor Gaer stated a letter was received earlier today from Mediacom objecting to Items 4(k)1 and 4(k)2.

On Item 4. Consent Agenda.

Council members pulled Items 4(j)3, 4(k)1, and 4(k)2 for discussion. It was moved by Trimble, second by Hardman to approve the consent agenda as amended.

a. Approval of Minutes of September 7, 2021 Meeting
b. Approval of Bill Lists
c. Approval of Liquor Licenses:
    1. WDM Sports, LLC d/b/a 1908 Draught House, 196 South 50th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
    2. Master of None, LLC d/b/a Barn Town Brewing, 9500 University Avenue, Suite 1110 - Class BB Beer Permit with Sunday Sales and Outdoor Service - Renewal
    3. Costco Wholesale Corporation d/b/a Costco Wholesale #788, 7205 Mills Civic Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
    4. Embassy Club West, LLC, d/b/a Embassy West - Class LC Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges – Renewal
    5. G.O.C.C. Investments, LLC, d/b/a Glen Oaks Country Club, 1401 Glen Oaks Drive - Class LC Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal

6. Fall Foods, Inc., d/b/a Godfathers Pizza, 5919 Ashworth Road - Class B Beer Permit with Sunday Sales - Renewal
7. TenX Adventures 2, LLC d/b/a The Hall, 111 South 11th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
8. Envision Homes, LLC d/b/a Heart of Iowa Marketplace, 211 5th Street - Class B Native Wine Permit with Sunday Sales - Renewal
9. Ingersoll Liquor & Beverage Co., d/b/a Ingersoll Wine Merchants, 1300 50th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
10. Butterface, LLC d/b/a The Keg Stand, 3530 Westown Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
11. Ohana Inc. d/b/a Ohana Steakhouse, 2900 University Avenue, Suite A - Class LC Liquor License with Sunday Sales - Renewal
12. Pots and Shots, LLC d/b/a Pots and Shots, 9500 University Avenue, Suite 1101 – Class LC Liquor License with Sunday Sales - New
13. Bowl New England, Inc. d/b/a Spare Time Des Moines, 340 Jordan Creek Parkway - Class LC Liquor License with Sunday Sales - New
14. International Event Center, Inc., d/b/a Val Air, 301 Ashworth Road - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
15. Your Private Bartender, LLC d/b/a Your Private Bar, 1701 25th Street (Events Center West) - Class LC Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal

d. Approval of Tobacco Permit

e. Approval of Extended Sound Permits:
   1. Dowling Catholic High School Homecoming Dance
   2. Keay Wedding, 4310 Oakwood Lane
   3. Larson Wedding, 2320 SE 11th Street

f. Approval of Contract Agreements:
   1. Snow Removal and Ice Control Services - MidAmerican Energy RecPlex
   2. Snow Removal and Ice Control Services - Valley Junction Business District

g. Approval of Professional Services Agreements:
   1. 2021 Concrete Trail Renovation Project
   2. Delati ITS, LLC
   3. Tello ITS Solutions, LLC

h. Approval of Grant Project Cooperative Agreement - 2021 Derecho Community Forestry Grant Program

i. Approval of Interfund Transfers

j. Order Construction:
   1. 2021 Sewer Cleaning and Televising Program
   2. 8th Street Reinforced Concrete Box (RCB) Repairs

l. Accept Work - Raccoon River Park Exterior Lighting Improvements

m. Approval of Proposals from MidAmerican Energy Company for Underground Electrical Service:

1. Holiday Park Little League Stormwater Pump Station Relocation
2. Parks Maintenance Facility Demolition

n. Establish Public Hearings Regarding the Final Design, Site Selection and Consideration of Acquiring Agricultural Property:
   1. Grand Avenue West Segment 3 Sewer Extension
   2. South Service Area Segment 4 and 10 Sewers

o. Approval and Acceptance of Storm Water Management Facility Maintenance Agreement and Sanitary Sewer Easement - Ginger West Plat 1

p. Approval and Acceptance of Property Interests:
   1. SE County Line Road, Veterans Parkway to SE Soteria Avenue
   2. Ginger West

Vote 21-458: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(j)3 Order Construction - Railroad Park Restrooms

Council member Trevillyan stated he is glad to see this project moving forward. He inquired if the public art could be incorporated into the construction of the original building, as opposed to being added at a later date.

Sally Ortgies, Parks and Recreation Director, reported the Historic West Des Moines Steering Committee recommended the project move forward without the artwork, so the artwork could be added at a later date. If the art was incorporated into the brick work, it would be required to go through a review process with the Public Art Advisory Commission, which would delay the construction of the entire project. She also stated there is no budget for artwork with this project.

Ralph Haskins, 729 5th Street, stated his vision was that the Public Art Advisory Commission and Historic West Des Moines Steering Committee could work together to come up with artwork imagery that would represent something of historical significance to Valley Junction, possibly in the form of limestone relief sections. He suggested the project could be constructed with cutout insets for the limestone relief artwork to be inserted into at a later date.

It was moved by Trevillyan, second by McKinney to approve Item 4(j)3 Order Construction - Railroad Park Restrooms.

Vote 21-459: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 4(k)1 Award Contract - On-Call Fiber Optic Conduit Network Drop Installation Services and Item 4(k)2 Award Contract - On-Call Fiber Optic Conduit Network Repair and Maintenance Services

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

It was moved by Hudson, second by Trimble to approve Item 4(k)1 Award Contract - On-Call Fiber Optic Conduit Network Drop Installation Services and Item 4(k)2 Award Contract - On-Call Fiber Optic Conduit Network Repair and Maintenance Services.

Vote 21-460: Hardman, Hudson, Trevillyan, Trimble … 4 yes
McKinney … 1 abstain due to potential conflict of interest
Motion carried.

On Item 5(a) 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 Hudson to consider the third reading of the ordinance.

Vote 21-461: 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 third reading of the ordinance and adopt the ordinance in final form.

Vote 21-462: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 5(b) Holiday Park Baseball Improvements, Phase 6A - Maintenance Building Renovation, initiated by the City of West Des Moines

It was moved by Hardman, second by McKinney to adopt Resolution - Award Contract.

Vote 21-463: 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 Tallyn's Reach Parcel A and Parcel C, southeast corner of Mills Civic Parkway and South 91st Street - Amend Comprehensive Plan Land Use Map and Amend the Planned Unit Development (PUD) to Designate and Regulate Neighborhood Commercial within Development Parcel C, initiated by Fareway Stores, Inc. He asked for the date the notice was published and the City Clerk indicated the notice was published on September 3, 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. Additionally, two correspondences were received and included with the council communication

Mayor Gaer asked if there were any public comments.

Marilyn Mueller, 8820 Mills Civic Parkway, expressed concerns about potential light pollution from the store parking lot, and she suggested there be restrictions on how the property is lit. She also expressed concerns about the store parking lot being a massive amount of concrete, and she suggested that trees be required throughout the property.

Mayor Gaer asked if there were any additional public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by McKinney to adopt Resolution - Approval of Comprehensive Plan Amendment.

Vote 21-464: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

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

Vote 21-465: 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 21-466: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

Mayor Gaer stated, due to a potential conflict of interest related to Item 6(b), Mayor Pro tem McKinney will preside over this portion of the meeting.

On Item 6(b) Mayor Pro tem McKinney indicated this was the time and place for a public hearing to consider Three Fountains Commercial, 4502 to 4900 University Avenue - Amend the Planned Unit Development (PUD) to Modify Building Setbacks and Signage Allowed within the PUD, initiated by Shoppes at Three Fountains, L.C. He asked for the date the notice was published and the City Clerk indicated the notice was published on September 3, 2021 in the Des Moines Register. Mayor Pro tem McKinney asked if any written comments had been received.

The City Clerk stated on a vote of 5-0, with one member abstaining and one member absent, the Plan and Zoning Commission recommended City Council approval of the PUD amendment.

Mayor Pro tem McKinney asked if there were any public comments; hearing none he declared the public hearing closed.

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

Vote 21-467: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Council member Hudson inquired if staff anticipated any traffic issues with this drive-thru line being close to the Chick-fil-A, which frequently gets a long line of cars in its drive-thru line.

Brian Hemesath, City Engineer, responded staff conducted a traffic study for this development and determined that there will be sufficient space for queueing with the drive-thru.

Vote 21-468: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

Mayor Gaer resumed presiding over the meeting.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning) - Modify Regulations Pertaining to Penalties, Fences, and Canopies, 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 September 3, 2021 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 5-1, 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 21-469: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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

Vote 21-470: 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 Conveyance of Permanent Easements for the Great Western Trail to Warren County, 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 September 3, 2021 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by McKinney, second by Hudson to adopt Resolution - Approval of Conveyance of Permanent Easements.

Vote 21-471: 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 Crossroads Park Parking Lot and Water Quality 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 September 10, 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 Concrete Connection.

Council member Hudson inquired if this project will help mitigate the flooding concerns within the townhome development north of Crossroads Park.

Sally Ortgies, Parks and Recreation Director, stated the water quality improvements in this project are expected to help the situation, as the intention is to collect as much water as possible within the park and keep it in the park.

Vote 21-472: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(a) Grand Ridge Plat 1, west end of Grand Ridge Drive - Approval of Final Plat to Create Seven Lots for Single-Family Development, One Outlot and One Public Street Lot, initiated by Lowry Company, 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 21-473: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 7(b) Microsoft Ginger East, east of Veterans Parkway at SE Maffitt Lake Road - Approval of Site Plan to Allow Construction of an approx. 250,000 sq. ft. Data Center Building, initiated by Microsoft Corporation

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 21-474: Hardman, Hudson, McKinney, Trevillyan, Trimble…5 yes
Motion carried.

On Item 8(a) Mindy Moore Resignation - Bicycle Advisory Commission - Received and Filed

On Item 8(b) Matthew Olson Resignation - Library Board of Trustees - Received and Filed

On Item 9 - Other Matters

City Manager Tom Hadden reported the "Sunday Supper in Our Town" fundraiser for West Des Moines Human Services will be held on Sunday, September 26th.

The meeting was adjourned at 7:01 p.m.

Respectfully submitted,

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Ryan T. Jacobson, CMC
City Clerk

ATTEST:

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Steven K. Gaer, Mayor